

1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 110.12315, F.S.; revising the
4 plan year for which the department must implement
5 formulary management for prescription drugs and
6 supplies under the state employees' prescription drug
7 program; removing a requirement that certain
8 prescription drugs be made available for inclusion in
9 the program formulary; prohibiting coverage of certain
10 prescription drugs and supplies under the program;
11 revising the date by which the department must submit
12 a list of prescription drugs and supplies excluded
13 from coverage under the program to the Governor and
14 Legislature; creating s. 110.12316, F.S.; defining the
15 term "state agency"; requiring the department to make
16 a certain administrative health insurance assessment
17 against each state agency; providing applicability of
18 and requirements for such assessments; amending s.
19 110.605, F.S.; removing a requirement that the
20 department develop a program to ensure positions for
21 women and minorities in the Selected Exempt Service;
22 amending s. 272.04, F.S.; specifying that the
23 Governor, the Cabinet officers, and the Legislature
24 are permanent tenants of the Capitol Complex;
25 providing requirements for modifications of interior

spaces allocated to such tenants and the use of vacant interior spaces within the complex; amending s. 272.09, F.S.; revising the definitions of the terms "Capitol Complex" and "Memorial Park"; requiring the department to manage, maintain, and upkeep the Mayo Building after the Department of Agriculture and Consumer Services vacates the building; requiring the department to consult with and receive the approval of tenants for certain projects within the Capitol Center; requiring the department to consider certain factors for projects that impact legislative spaces; authorizing the Legislature to make modifications to allocated spaces; requiring the department to receive approval from the Legislature for certain projects before including such projects in a specified report; amending s. 272.121, F.S.; requiring the department to solicit feedback from specified entities in the development of long-range planning for the Capitol Center; amending s. 272.16, F.S.; providing requirements for the assignment or reduction of parking spaces allocated to the Legislature within the Capitol Center; amending s. 287.012, F.S.; removing the definition of the term "minority business enterprise"; amending s. 287.042, F.S.; removing provisions authorizing the Office of Supplier

Diversity to monitor the state procurement system for the use of minority business enterprises and to consult with the department on procedures for such procurement; repealing s. 287.0943, F.S., relating to the certification of minority business enterprises; repealing s. 287.09431, F.S., relating to statewide and interlocal agreements on certification of business concerns for the status of minority business enterprises; amending s. 287.09451, F.S.; renaming the Office of Supplier Diversity as the Office of Supplier Development; removing legislative intent provisions relating to the participation of minority business enterprises in the state procurement system; providing powers, duties, and functions of the office relating to the participation of Florida-based small business enterprises in the state procurement system; removing provisions authorizing the Office of Supplier Diversity to adopt certain rules and take certain actions relating to compliance with the department's minority business enterprise procurement goals; repealing s. 287.0947, F.S., relating to the Florida Advisory Council on Small and Minority Business Development; amending s. 288.706, F.S.; removing provisions requiring the department to administer the Florida Minority Business Loan Mobilization Program,

76 maintain a listing of certain financial institutions,
77 and collaborate with the Department of Commerce in the
78 development and enhancement of black business
79 enterprises; amending ss. 318.18 and 318.21, F.S.;
80 removing the expiration date for the disposition of
81 specified proceeds used for law enforcement
82 communication systems; amending ss. 17.11, 24.113,
83 212.096, 255.101, 255.102, 287.055, 287.057, 287.094,
84 288.1167, 288.703, 376.3072, 376.84, 473.3065, and
85 1001.706, F.S.; conforming cross-references and
86 provisions to changes made by the act; providing an
87 effective date.

88
89 Be It Enacted by the Legislature of the State of Florida:

90
91 **Section 1. Subsection (9) of section 110.12315, Florida**
92 **Statutes, is amended to read:**

93 110.12315 Prescription drug program.—The state employees'
94 prescription drug program is established. This program shall be
95 administered by the Department of Management Services, according
96 to the terms and conditions of the plan as established by the
97 relevant provisions of the annual General Appropriations Act and
98 implementing legislation, subject to the following conditions:

99 (9) (a) Beginning with the 2027 ~~2020~~ plan year, the
100 department must implement formulary management for prescription

101 drugs and supplies. Such management practices must require
102 prescription drugs to be subject to formulary inclusion or
103 exclusion but may not restrict access to the most clinically
104 appropriate, clinically effective, and lowest net-cost
105 prescription drugs and supplies. ~~Drugs excluded from the~~
106 ~~formulary must be available for inclusion if a physician,~~
107 ~~advanced practice registered nurse, or physician assistant~~
108 ~~prescribing a pharmaceutical clearly states on the prescription~~
109 ~~that the excluded drug is medically necessary.~~ Prescription
110 drugs and supplies first made available in the marketplace after
111 January 1, 2027 ~~2020~~, may not be covered by the prescription
112 drug program until specifically included in the list of covered
113 prescription drugs and supplies.

114 (b) No later than October 1, 2026 ~~2019~~, and by each
115 October 1 thereafter, the department must submit to the
116 Governor, the President of the Senate, and the Speaker of the
117 House of Representatives the list of prescription drugs and
118 supplies that will be excluded from program coverage for the
119 next plan year. If the department proposes to exclude
120 prescription drugs and supplies after the plan year has
121 commenced, the department must provide notice to the Governor,
122 the President of the Senate, and the Speaker of the House of
123 Representatives of such exclusions at least 60 days before
124 implementation of such exclusions.

125 **Section 2. Section 110.12316, Florida Statutes, is created**

126 **to read:**

127 110.12316 Administrative health insurance assessments
128 against state agencies for vacant positions.—

129 (1) As used in this section, the term "state agency" means
130 an agency within the State Personnel System, the Department of
131 the Lottery, the Justice Administrative Commission and all
132 entities administratively housed in the Justice Administrative
133 Commission, and the state courts system.

134 (2) Beginning July 1, 2026, and on the first day of each
135 month thereafter, the Department of Management Services shall
136 make an administrative health insurance assessment against each
137 state agency equal to the employer's cost of individual employee
138 health care coverage for each vacant position within the state
139 agency eligible for coverage through the Division of State Group
140 Insurance.

141 (3) Within 30 days after receipt of the administrative
142 health insurance assessment under subsection (2) from the
143 department, each state agency shall remit to the State Employees
144 Health Insurance Trust Fund the assessment for the state group
145 insurance program, as provided in ss. 110.123 and 110.1239, from
146 currently allocated moneys for salaries and benefits. If a state
147 agency becomes more than 60 days delinquent in payment of the
148 assessment, the department shall certify to the Chief Financial
149 Officer the amount due and the Chief Financial Officer shall
150 transfer to the department the amount due.

151 (4) The administrative health insurance assessment must
152 apply to all vacant positions funded with state funds, whether
153 fully or partially funded with state funds. Vacant positions
154 partially funded with state funds must pay a percentage of the
155 assessment imposed in subsection (2) equal to the percentage
156 share of state funds provided for the vacant positions. The
157 assessment does not apply to vacant positions that are fully
158 funded with federal funds. By July 31, 2026, each state agency
159 shall provide the department with a complete list of all
160 positions by position number which are fully or partially funded
161 with federal funds and shall include the percentage of federal
162 funding for each position. Thereafter, each state agency shall
163 update the list on the last day of each month. For vacant
164 positions that are fully or partially funded with federal funds,
165 each state agency shall immediately take steps to include the
166 administrative health insurance assessment in its indirect cost
167 plan for the 2026-2027 fiscal year and each fiscal year
168 thereafter. A state agency shall notify the department, the
169 Executive Office of the Governor, and the chair and vice chair
170 of the Legislative Budget Commission of the updated indirect
171 cost plan, upon approval from the federal awarding agency. If
172 the state agency cannot obtain approval from its federal
173 awarding agency, the state agency shall notify the department,
174 the Executive Office of the Governor, and the chair and vice
175 chair of the Legislative Budget Commission no later than January

15 of each calendar year.

(5) Pursuant to the notice, review, and objection procedures of s. 216.177, the Executive Office of the Governor may transfer budget authority appropriated in the Salaries and Benefits appropriation category between state agencies in order to align the appropriations granted with the assessment that must be paid by each state agency to the department for the administrative health insurance assessment.

Section 3. Paragraph (d) of subsection (1) of section 110.605, Florida Statutes, is amended to read:

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

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

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

Section 4. Section 272.04, Florida Statutes, is amended to read:

272.04 Department to allocate space.—

(1) The Department of Management Services shall have authority to allocate space to house the various departments,

201 agencies, boards, and commissions in said buildings, excepting,
202 however, the new Supreme Court Building, for which authority
203 shall be vested in the justices of the Supreme Court.

204 (2) Notwithstanding any other law, the Governor, the
205 Cabinet officers, and the Legislature are permanent tenants of
206 the Capitol Complex. The interior space allocated to each tenant
207 on or after January 1, 2026, may not be reduced or moved without
208 express consent of the tenant. If additional interior space
209 becomes vacant, the Legislature has the first right of refusal
210 for use of the space.

211 **Section 5. Subsection (4) of section 272.09, Florida**
212 **Statutes, is renumbered as subsection (5), subsections (1) and**
213 **(2) of that section are amended, and a new subsection (4) is**
214 **added to that section, to read:**

215 272.09 Management, maintenance, and upkeep of Capitol
216 Center.—

217 (1) For purposes of this section, the term "Capitol
218 Complex" means the portion of the Capitol Center commonly
219 referred to as the Capitol, the Historic Capitol, the Senate
220 Office Building, the House Office Building, the Knott Building,
221 the Pepper Building, the Holland Building, the former Elliot
222 Building property, the R.A. Gray Building, the Mayo Building,
223 and the associated parking garages and curtilage of each,
224 including the state-owned lands and public streets adjacent
225 thereto within an area bounded by and including Calhoun Street,

226 Meridian Street, East Pensacola Street, Monroe Street, Jefferson
227 Street, West Pensacola Street, Martin Luther King Jr. Boulevard,
228 and Gaines Street. The term does not include the Supreme Court
229 Building or the public streets adjacent thereto. The Mayo
230 Building, its associated parking garage, and the portion of the
231 Capitol Complex existing between and including the former Elliot
232 Building property and the Holland Building within an area
233 bounded by and including Monroe Street, Gaines Street, Calhoun
234 Street, and East Pensacola Street shall be known as "Memorial
235 Park."

236 (2) The management, maintenance, and upkeep of the Capitol
237 Center as described in s. 272.03 are hereby vested in and made
238 the direct obligation of the Department of Management Services,
239 which shall have authority to do all things necessary to
240 satisfactorily accomplish these functions, including the
241 employment of a superintendent of grounds and buildings and
242 other employees; the establishment of central repair and
243 maintenance shops; and the designation or appointment of
244 nonsalaried advisory committees to advise with them. The
245 department shall begin management, maintenance, and upkeep of
246 the Mayo Building after the Department of Agriculture and
247 Consumer Services vacates the building.

248 (4) (a) Before the Department of Management Services may
249 plan for or schedule any project that impacts space occupied by
250 a permanent tenant of the Capitol Center other than the

Governor, the department must consult with the tenant and receive the tenant's approval on the scope, design, and timeline of the project. For purposes of space in which the Legislature is the tenant, the Department of Management Services must coordinate with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate. For any project that impacts space in which the Legislature is the tenant, the Department of Management Services must consider the schedule, time constraints, and needs of the Legislature.

(b) The President of the Senate and the Speaker of the House of Representatives may design, redesign, renovate, or upgrade any space allocated to his or her chamber in which the Senate or the House of Representatives is the tenant without approval by the Department of Management Services.

(c) The Department of Management Services must consult with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate, before including in the report required under subsection (3) any project that impacts any space in the Capitol Complex in which the Legislature is the tenant.

Section 6. Subsection (3) of section 272.121, Florida Statutes, is amended to read:

272.121 Capitol Center long-range planning.—

(3) In carrying out the provisions of the foregoing, the

department shall request the cooperation of those state and private architects, engineers, and interior designers determined by the department to possess expertise or information helpful to the development of a Capitol Plan and solicit and accept information, suggestions, and recommendations from all interested parties. The department must solicit feedback from all permanent tenants of the Capitol Center, including the Governor, the Chief Financial Officer, the Attorney General, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives.

Section 7. Subsection (2) of section 272.16, Florida Statutes, is amended to read:

272.16 Parking areas within Capitol Center area.—

(2)(a) The presiding officer of each house of the Legislature shall be responsible for the assignment of parking spaces in its respective office building.

(b) The parking spaces allocated to the Legislature on or after January 1, 2026, may not be reduced or reassigned without the express consent of the Legislature. If additional parking spaces become available for assignment, the Legislature has the first right of refusal for the use of the parking spaces.

Section 8. Subsections (19) through (29) of section 287.012, Florida Statutes, are renumbered as subsections (18) through (28), respectively, and present subsections (18) and (19) of that section are amended to read:

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

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

Section 9. Paragraphs (a) and (c) of subsection (2) and
paragraphs (b) and (c) of subsection (3) of section 287.042,
Florida Statutes, are amended to read:

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

(2) (a) To establish purchasing agreements and procure
state term contracts for commodities and contractual services,
pursuant to s. 287.057, under which state agencies shall, and
eligible users may, make purchases pursuant to s. 287.056. The
department may restrict purchases from some term contracts to
state agencies only for those term contracts where the inclusion
of other governmental entities will have an adverse effect on
competition or to those federal facilities located in this
state. ~~In such planning or purchasing the Office of Supplier~~
~~Diversity may monitor to ensure that opportunities are afforded~~
~~for contracting with minority business enterprises. The~~
~~department, for state term contracts, and all agencies, for~~
~~multiyear contractual services or term contracts, shall explore~~
~~reasonable and economical means to utilize certified minority~~
~~business enterprises.~~ Purchases by any county, municipality,

private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive solicitation requirements otherwise applying to their purchases.

(c) Any person who files an action protesting a decision or intended decision pertaining to contracts administered by the department, a water management district, or an agency pursuant to s. 120.57(3)(b) shall post with the department, the water management district, or the agency at the time of filing the formal written protest a bond payable to the department, the water management district, or agency in an amount equal to 1 percent of the estimated contract amount. For protests of decisions or intended decisions pertaining to exceptional purchases, the bond shall be in an amount equal to 1 percent of the estimated contract amount for the exceptional purchase. The estimated contract amount shall be based upon the contract price submitted by the protestor or, if no contract price was submitted, the department, water management district, or agency 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 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 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 shall be returned to the protestor. If, after the completion of the administrative hearing process and any appellate court proceedings, the protestor prevails, the protestor shall recover

376 from the department, water management district, or agency all
377 costs and charges which shall be included in the final order or
378 judgment, excluding attorney ~~attorney's~~ fees.

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

383 (b)1. Development of procedures for advertising
384 solicitations. These procedures must provide for electronic
385 posting of solicitations for at least 10 days before the date
386 set for receipt of bids, proposals, or replies, unless the
387 department or other agency determines in writing that a shorter
388 period of time is necessary to avoid harming the interests of
389 the state. ~~The Office of Supplier Diversity may consult with the~~
390 ~~department regarding the development of solicitation~~
391 ~~distribution procedures to ensure that maximum distribution is~~
392 ~~afforded to certified minority business enterprises as defined~~
393 ~~in s. 288.703.~~

394 2. Development of procedures for electronic posting. The
395 department shall designate a centralized website on the Internet
396 for the department and other agencies to electronically post
397 solicitations, decisions or intended decisions, and other
398 matters relating to procurement.

399 (c) Development of procedures for the receipt and opening
400 of bids, proposals, or replies by an agency. ~~Such procedures~~

shall ~~provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the requirements of s. 287.09451.~~

Section 10. Section 287.0943, Florida Statutes, is repealed.

Section 11. Section 287.09431, Florida Statutes, is repealed.

Section 12. Section 287.09451, Florida Statutes, is amended to read:

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

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

~~diversified minority business enterprises into the marketplace.~~

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

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

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

(a) To receive and disseminate information:

1. For the continued growth and success of Florida's small businesses, which may include the planning, hosting, and support of events for Florida-based small business enterprises.

2. Related to procurement opportunities for Florida-based small business enterprises.

(b) To create electronic certification and recertification processes for veteran-owned small business enterprises. The certifications must be valid for 2 years and must be recertified every 2 years thereafter. The benefits of certification must be clearly posted on the department's website. To be eligible for certification and recertification as a veteran-owned business enterprise, a business must meet the requirements of s. 295.187.

(c) To advise and provide education or other resources to

451 agencies on methods and techniques for achieving procurement
452 objectives that increase the use of Florida-based small business
453 enterprises in state and local government procurement contracts.

454 (d) To adopt rules, establish processes, and prescribe and
455 publish forms as necessary to carry out the duties provided in
456 this section.

457 ~~(a) To adopt rules to determine what constitutes a "good~~
458 ~~faith effort" for purposes of state agency compliance with the~~
459 ~~minority business enterprise procurement goals set forth in s.~~
460 ~~287.042. Factors which shall be considered by the Minority~~
461 ~~Business Enterprise Assistance Office in determining good faith~~
462 ~~effort shall include, but not be limited to:~~

463 ~~1. Whether the agency scheduled presolicitation or prebid~~
464 ~~meetings for the purpose of informing minority business~~
465 ~~enterprises of contracting and subcontracting opportunities.~~

466 ~~2. Whether the contractor advertised in general~~
467 ~~circulation, trade association, or minority focus media~~
468 ~~concerning the subcontracting opportunities.~~

469 ~~3. Whether the agency effectively used services and~~
470 ~~resources of available minority community organizations;~~
471 ~~minority contractors' groups; local, state, and federal minority~~
472 ~~business assistance offices; and other organizations that~~
473 ~~provide assistance in the recruitment and placement of minority~~
474 ~~business enterprises or minority persons.~~

475 ~~4. Whether the agency provided written notice to a~~

476 ~~reasonable number of minority business enterprises that their~~
477 ~~interest in contracting with the agency was being solicited in~~
478 ~~sufficient time to allow the minority business enterprises to~~
479 ~~participate effectively.~~

480 ~~(b) To adopt rules to determine what constitutes a "good~~
481 ~~faith effort" for purposes of contractor compliance with~~
482 ~~contractual requirements relating to the use of services or~~
483 ~~commodities of a minority business enterprise under s.~~
484 ~~287.094(2). Factors which shall be considered by the Office of~~
485 ~~Supplier Diversity in determining whether a contractor has made~~
486 ~~good faith efforts shall include, but not be limited to:~~

487 ~~1. Whether the contractor attended any presolicitation or~~
488 ~~prebid meetings that were scheduled by the agency to inform~~
489 ~~minority business enterprises of contracting and subcontracting~~
490 ~~opportunities.~~

491 ~~2. Whether the contractor advertised in general~~
492 ~~circulation, trade association, or minority focus media~~
493 ~~concerning the subcontracting opportunities.~~

494 ~~3. Whether the contractor provided written notice to a~~
495 ~~reasonable number of specific minority business enterprises that~~
496 ~~their interest in the contract was being solicited in sufficient~~
497 ~~time to allow the minority business enterprises to participate~~
498 ~~effectively.~~

499 ~~4. Whether the contractor followed up initial~~
500 ~~solicitations of interest by contacting minority business~~

enterprises or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested.

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

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

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

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

(c) To adopt rules and do all things necessary or

526 ~~convenient to guide all state agencies toward making~~
527 ~~expenditures for commodities, contractual services,~~
528 ~~construction, and architectural and engineering services with~~
529 ~~certified minority business enterprises in accordance with the~~
530 ~~minority business enterprise procurement goals set forth in s.~~
531 ~~287.042.~~

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

536 ~~(e) To receive and disseminate information relative to~~
537 ~~procurement opportunities, availability of minority business~~
538 ~~enterprises, and technical assistance.~~

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

541 ~~(g) To provide a central minority business enterprise~~
542 ~~certification process which includes independent verification of~~
543 ~~status as a minority business enterprise.~~

544 ~~(h) To develop procedures to investigate complaints~~
545 ~~against minority business enterprises or contractors alleged to~~
546 ~~violate any provision related to this section or s. 287.0943,~~
547 ~~that may include visits to worksites or business premises, and~~
548 ~~to refer all information on businesses suspected of~~
549 ~~misrepresenting minority status to the Department of Management~~
550 ~~Services for investigation. When an investigation is completed~~

551 ~~and there is reason to believe that a violation has occurred,~~
552 ~~the matter shall be referred to the office of the Attorney~~
553 ~~General, Department of Legal Affairs, for prosecution.~~

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

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

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

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

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

570 ~~2. Establishing standards within each industry with which~~
571 ~~the state government contracts on how agencies and contractors~~
572 ~~may provide the maximum practicable opportunity for minority~~
573 ~~business enterprises.~~

574 ~~3. Assisting agencies and contractors by providing~~
575 ~~outreach to minority businesses, by specifying and monitoring~~

576 ~~technical and managerial competence for minority business~~
577 ~~enterprises, and by consulting in planning of agency procurement~~
578 ~~to determine how best to provide opportunities for minority~~
579 ~~business enterprises.~~

580 ~~4. Integrating technical and managerial assistance for~~
581 ~~minority business enterprises with government contracting~~
582 ~~opportunities.~~

583 ~~(m) To certify minority business enterprises, as defined~~
584 ~~in s. 288.703, and as specified in ss. 287.0943 and 287.09431,~~
585 ~~and shall recertify such minority businesses at least once every~~
586 ~~2 years. Minority business enterprises must be recertified at~~
587 ~~least once every 2 years. Such certifications may include an~~
588 ~~electronic signature.~~

589 ~~(n)1. To develop procedures to be used by an agency in~~
590 ~~identifying commodities, contractual services, architectural and~~
591 ~~engineering services, and construction contracts, except those~~
592 ~~architectural, engineering, construction, or other related~~
593 ~~services or contracts subject to the provisions of chapter 339,~~
594 ~~that could be provided by minority business enterprises. Each~~
595 ~~agency is encouraged to spend 21 percent of the moneys actually~~
596 ~~expended for construction contracts, 25 percent of the moneys~~
597 ~~actually expended for architectural and engineering contracts,~~
598 ~~24 percent of the moneys actually expended for commodities, and~~
599 ~~50.5 percent of the moneys actually expended for contractual~~
600 ~~services during the previous fiscal year, except for the state~~

~~university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703, or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:~~

~~a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.~~

~~b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.~~

~~c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.~~

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

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

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

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

~~4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority businesses in state contracting.~~

~~These guidelines shall include consideration of:~~

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

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

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

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

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

~~5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management,~~

676 ~~responsibilities, risks, and profits of the joint venture. Such~~
677 ~~demonstration shall be by verifiable documents and sworn~~
678 ~~statements and may be reviewed by the Office of Supplier~~
679 ~~Diversity at or before the time a contract bid, proposal, or~~
680 ~~reply is submitted. An agency may count toward its minority~~
681 ~~business enterprise goals a portion of the total dollar amount~~
682 ~~of a contract equal to the percentage of the ownership and~~
683 ~~control held by the qualifying certified minority business~~
684 ~~partners in the contracting joint venture, so long as the joint~~
685 ~~venture meets the guidelines adopted by the office.~~

686 ~~(o)1. To establish a system to record and measure the use~~
687 ~~of certified minority business enterprises in state contracting.~~
688 ~~This system shall maintain information and statistics on~~
689 ~~certified minority business enterprise participation, awards,~~
690 ~~dollar volume of expenditures and agency goals, and other~~
691 ~~appropriate types of information to analyze progress in the~~
692 ~~access of certified minority business enterprises to state~~
693 ~~contracts and to monitor agency compliance with this section.~~
694 ~~Such reporting must include, but is not limited to, the~~
695 ~~identification of all subcontracts in state contracting by~~
696 ~~dollar amount and by number of subcontracts and the~~
697 ~~identification of the utilization of certified minority business~~
698 ~~enterprises as prime contractors and subcontractors by dollar~~
699 ~~amounts of contracts and subcontracts, number of contracts and~~
700 ~~subcontracts, minority status, industry, and any conditions or~~

701 ~~circumstances that significantly affected the performance of~~
702 ~~subcontractors. Agencies shall report their compliance with the~~
703 ~~requirements of this reporting system at least annually and at~~
704 ~~the request of the office. All agencies shall cooperate with the~~
705 ~~office in establishing this reporting system. Except in~~
706 ~~construction contracting, all agencies shall review contracts~~
707 ~~costing in excess of CATEGORY FOUR as defined in s. 287.017 to~~
708 ~~determine if such contracts could be divided into smaller~~
709 ~~contracts to be separately solicited and awarded, and shall,~~
710 ~~when economical, offer such smaller contracts to encourage~~
711 ~~minority participation.~~

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

- 717 ~~a. Total expenditures of each agency by industry.~~
718 ~~b. The dollar amount and percentage of contracts awarded~~
719 ~~to certified minority business enterprises by each state agency.~~
720 ~~c. The dollar amount and percentage of contracts awarded~~
721 ~~indirectly to certified minority business enterprises as~~
722 ~~subcontractors by each state agency.~~
723 ~~d. The total dollar amount and percentage of contracts~~
724 ~~awarded to certified minority business enterprises, whether~~
725 ~~directly or indirectly, as subcontractors.~~

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

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

730 ~~(5)(a) Each agency shall, at the time the specifications~~
731 ~~or designs are developed or contract sizing is determined for~~
732 ~~any proposed procurement costing in excess of CATEGORY FOUR, as~~
733 ~~defined in s. 287.017, forward a notice to the Office of~~
734 ~~Supplier Diversity of the proposed procurement and any~~
735 ~~determination on the designs of specifications of the proposed~~
736 ~~procurement that impose requirements on prospective vendors, no~~
737 ~~later than 30 days prior to the issuance of a solicitation,~~
738 ~~except that this provision shall not apply to emergency~~
739 ~~acquisitions. The 30-day notice period shall not toll the time~~
740 ~~for any other procedural requirements.~~

741 ~~(b) If the Office of Supplier Diversity determines that~~
742 ~~the proposed procurement will not likely allow opportunities for~~
743 ~~minority business enterprises, the office may, within 20 days~~
744 ~~after it receives the information specified in paragraph (a),~~
745 ~~propose the implementation of minority business enterprise~~
746 ~~utilization provisions or submit alternative procurement methods~~
747 ~~that would significantly increase minority business enterprise~~
748 ~~contracting opportunities.~~

749 ~~(c) Whenever the agency and the Office of Supplier~~
750 ~~Diversity disagree, the matter shall be submitted for~~

determination to the head of the agency or the senior-level official designated pursuant to this section as liaison for minority business enterprise issues.

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

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

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

demonstrates:

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

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

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

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

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

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

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

~~(a) Adopt a minority business enterprise utilization plan for review and approval by the Office of Supplier Diversity~~

~~which should require meaningful and useful methods to attain the legislative intent in assisting minority business enterprises.~~

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

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

Section 13. Section 287.0947, Florida Statutes, is repealed.

Section 14. Subsections (2), (10), and (11) of section 288.706, Florida Statutes, are amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(2) The Florida Minority Business Loan Mobilization Program is created to promote the development of minority

826 business enterprises, as defined in s. 288.703(2) ~~s. 288.703(3)~~,
827 increase the ability of minority business enterprises to compete
828 for state contracts, and sustain the economic growth of minority
829 business enterprises in this state. The goal of the program is
830 to assist minority business enterprises by facilitating working
831 capital loans to minority business enterprises that are vendors
832 on state agency contracts. ~~The Department of Management Services~~
833 ~~shall administer the program.~~

834 ~~(10) The Department of Management Services shall maintain~~
835 ~~a listing of financial institutions willing to participate in~~
836 ~~the Florida Minority Business Loan Mobilization Program. This~~
837 ~~list of financial institutions shall not be exclusive. A~~
838 ~~minority business enterprise vendor who has a working~~
839 ~~relationship with a financial institution is encouraged to~~
840 ~~request that the financial institution apply to participate as a~~
841 ~~financial institution for the program.~~

842 ~~(11) The Department of Management Services shall~~
843 ~~collaborate with the department to assist in the development and~~
844 ~~enhancement of black business enterprises.~~

845 **Section 15. Subsection (18) of section 318.18, Florida**
846 **Statutes, is amended to read:**

847 318.18 Amount of penalties.—The penalties required for a
848 noncriminal disposition pursuant to s. 318.14 or a criminal
849 offense listed in s. 318.17 are as follows:

850 (18) In addition to any penalties imposed, a surcharge of

\$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.7101. ~~This subsection expires July 1, 2026.~~ The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 16. Subsection (17) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—
All civil penalties received by a county court pursuant to the

provisions of this chapter shall be distributed and paid monthly as follows:

(17) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee imposed under s. 318.18(18) shall be distributed as provided in that subsection. ~~This subsection expires July 1, 2026.~~

Section 17. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

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

Section 18. Subsection (1) of section 24.113, Florida Statutes, is amended to read:

24.113 Minority participation.—

(1) It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703. Accordingly, 15 percent of the retailers shall be minority business enterprises as defined in s. 288.703(2) ~~s. 288.703(3)~~; however, no more than 35 percent of such retailers shall be owned by the same type of minority person, as defined in s. 288.703(3) ~~s. 288.703(4)~~. ~~The department is encouraged to meet the minority business enterprise procurement goals set forth in s. 287.09451 in the procurement of commodities, contractual services, construction, and architectural and engineering services.~~ This section shall not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 19. Paragraph (g) of subsection (3) of section 212.096, Florida Statutes, is amended to read:

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

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

(g) Whether the business is a small business as defined by

s. 288.703(5) ~~s. 288.703(6).~~

Section 20. Subsection (1) of section 255.101, Florida Statutes, is amended to read:

255.101 Contracts for public construction works; utilization of minority business enterprises.—

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, ~~except that all contracts for the construction of state facilities should comply with provisions in s. 287.09451, and rules adopted pursuant thereto,~~ for the utilization of minority business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of minority business enterprises apply, this section shall not apply.

Section 21. Subsections (1), (2), and (4) of section 255.102, Florida Statutes, are amended to read:

255.102 Contractor utilization of minority business enterprises.—

(1) Agencies shall consider the use of price preferences, weighted preference formulas, or other preferences for construction contracts, as determined appropriate by the Office of Supplier Development Diversity to increase minority

951 participation.

952 (2) The Office of Supplier Development ~~Diversity~~, in
953 collaboration with the Board of Governors of the State
954 University System, shall adopt rules to determine what is a
955 "good faith effort" for purposes of contractor compliance with
956 minority participation goals established for competitively
957 awarded building and construction projects. Pro forma efforts
958 shall not be considered good faith. Factors which shall be
959 considered by the state agency in determining whether a
960 contractor has made good faith efforts shall include, but not be
961 limited to:

962 (a) Whether the contractor attended any presolicitation or
963 prebid meetings that were scheduled by the agency to inform
964 minority business enterprises of contracting and subcontracting
965 opportunities.

966 (b) Whether the contractor advertised in general
967 circulation, trade association, or minority-focus media
968 concerning the subcontracting opportunities.

969 (c) Whether the contractor provided written notice to all
970 relevant subcontractors listed on the minority vendor list for
971 that locality and statewide as provided by the agency as of the
972 date of issuance of the invitation to bid, that their interest
973 in the contract was being solicited in sufficient time to allow
974 the minority business enterprises to participate effectively.

975 (d) Whether the contractor followed up initial

976 solicitations of interest by contacting minority business
977 enterprises, the Office of Supplier Development ~~Diversity~~, or
978 minority persons who responded and provided detailed information
979 about prebid meetings, access to plans, specifications,
980 contractor's project manager, subcontractor bonding, if any,
981 payment schedule, bid addenda, and other assistance provided by
982 the contractor to enhance minority business enterprise
983 participation.

984 (e) Whether the contractor selected portions of the work
985 to be performed by minority business enterprises in order to
986 increase the likelihood of meeting the minority business
987 enterprise procurement goals, including, where appropriate,
988 breaking down contracts into economically feasible units to
989 facilitate minority business enterprise participation under
990 reasonable and economical conditions of performance.

991 (f) Whether the contractor provided the Office of Supplier
992 Development ~~Diversity~~ as well as interested minority business
993 enterprises or minority persons with adequate information about
994 the plans, specifications, and requirements of the contract or
995 the availability of jobs at a time no later than when such
996 information was provided to other subcontractors.

997 (g) Whether the contractor negotiated in good faith with
998 interested minority business enterprises or minority persons,
999 not rejecting minority business enterprises or minority persons
1000 as unqualified without sound reasons based on a thorough

1001 investigation of their capabilities or imposing implausible
1002 conditions of performance on the contract.

1003 (h) Whether the contractor diligently seeks to replace a
1004 minority business enterprise subcontractor that is unable to
1005 perform successfully with another minority business enterprise.

1006 (i) Whether the contractor effectively used the services
1007 of available minority community organizations; minority
1008 contractors' groups; local, state, and federal minority business
1009 assistance offices; and other organizations that provide
1010 assistance in the recruitment and placement of minority business
1011 enterprises or minority persons.

1012 (4) ~~Notwithstanding the provisions of s. 287.09451 to the~~
1013 ~~contrary,~~ Agencies shall monitor good faith efforts of
1014 contractors in competitively awarded building and construction
1015 projects, in accordance with rules established pursuant to this
1016 section. It is the responsibility of the contractor to exercise
1017 good faith efforts in accordance with rules established pursuant
1018 to this section, and to provide documentation necessary to
1019 assess efforts to include minority business participation.

1020 **Section 22. Paragraph (d) of subsection (3) of section**
1021 **287.055, Florida Statutes, is amended to read:**

1022 287.055 Acquisition of professional architectural,
1023 engineering, landscape architectural, or surveying and mapping
1024 services; definitions; procedures; contingent fees prohibited;
1025 penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

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

Section 23. Subsections (7) and (8) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.—

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

(8) (a) ~~In order to strive to meet the minority business enterprise procurement goals set forth in s. 287.09451, An~~

1051 agency may reserve any contract for competitive solicitation
1052 only among ~~certified~~ minority business enterprises. Agencies
1053 shall review all their contracts each fiscal year and shall
1054 determine which contracts may be reserved for solicitation only
1055 among ~~certified~~ minority business enterprises. This reservation
1056 may only be used when it is determined, by reasonable and
1057 objective means, before the solicitation that there are capable,
1058 qualified ~~certified~~ minority business enterprises available to
1059 submit a bid, proposal, or reply on a contract to provide for
1060 effective competition. The Office of Supplier Development
1061 ~~Diversity~~ shall consult with any agency in reaching such
1062 determination when deemed appropriate.

1063 (b) Before a contract may be reserved for solicitation
1064 only among ~~certified~~ minority business enterprises, the agency
1065 head must find that such a reservation is in the best interests
1066 of the state. ~~All determinations shall be subject to s.~~
1067 ~~287.09451(5).~~ Once a decision has been made to reserve a
1068 contract, but before sealed bids, proposals, or replies are
1069 requested, the agency shall estimate what it expects the amount
1070 of the contract to be, based on the nature of the services or
1071 commodities involved and their value under prevailing market
1072 conditions. If all the sealed bids, proposals, or replies
1073 received are over this estimate, the agency may reject the bids,
1074 proposals, or replies and request new ones from ~~certified~~
1075 minority business enterprises, or the agency may reject the

1076 bids, proposals, or replies and reopen the bidding to all
1077 eligible vendors.

1078 (c) All agencies shall consider the use of price
1079 preferences of up to 10 percent, weighted preference formulas,
1080 or other preferences for vendors as determined appropriate
1081 ~~pursuant to guidelines established in accordance with s.~~
1082 ~~287.09451(4)~~ to increase the participation of minority business
1083 enterprises.

1084 (d) All agencies shall avoid any undue concentration of
1085 contracts or purchases in categories of commodities or
1086 contractual services in order to meet the Florida-based small
1087 ~~minority~~ business enterprise purchasing goals in s. 287.09451.

1088 **Section 24. Subsection (4) of section 287.094, Florida**
1089 **Statutes, is amended to read:**

1090 287.094 Minority business enterprise programs; penalty for
1091 discrimination and false representation.—

1092 (4) No agency shall deny any contractor, firm, or
1093 individual a fair opportunity to compete in the public
1094 procurement of commodities and services based on race, national
1095 origin, gender, religion, or physical disability, which for
1096 purposes of this subsection constitutes prohibited
1097 discrimination. Complaints alleging prohibited discrimination by
1098 an agency in its public procurement may be filed with the Office
1099 of Supplier Development Diversity within 60 days after the facts
1100 giving rise to the complaint are known or reasonably should have

1101 been discovered. Any complaint shall be filed in writing and
1102 must set forth the specific facts giving rise to the claim of
1103 prohibited discrimination. The Office of Supplier Development
1104 ~~Diversity~~ shall, within 10 days, refer the complaint to the
1105 Inspector General for the agency that is the subject of the
1106 complaint, who shall coordinate a prompt investigation and issue
1107 written findings of fact. These findings shall be reviewed by
1108 the Chief Inspector General or his or her designee, who is
1109 authorized to conduct any further investigation deemed necessary
1110 or appropriate. Upon a final determination that an agency has
1111 abused its discretion by engaging in prohibited discrimination,
1112 the Chief Inspector General shall refer any state employee
1113 determined to have participated in the prohibited discrimination
1114 for disciplinary action in accordance with chapter 60K(9),
1115 Florida Administrative Code, and subsequently enacted rules, up
1116 to and including termination.

1117 **Section 25. Subsection (1) of section 288.1167, Florida**
1118 **Statutes, is amended to read:**

1119 288.1167 Sports franchise contract provisions for food and
1120 beverage concession and contract awards to minority business
1121 enterprises.—Any applicant who receives funding pursuant to the
1122 provisions of s. 212.20 must demonstrate that:

1123 (1) Funds and facilities with respect to food and beverage
1124 and related concessions shall be awarded to minority business
1125 enterprises as defined in s. 288.703 on the same terms and

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conditions as the general food and beverage concessionaire ~~and~~
~~in accordance with the minority business enterprise procurement~~
~~goals set forth in s. 287.09451;~~

**Section 26. Subsections (2) through (6) of section
288.703, Florida Statutes, are renumbered as subsections (1)
through (5), respectively, and present subsections (1) and (5)
of that section are amended to read:**

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

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

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

**Section 27. Paragraph (a) of subsection (2) of section
376.3072, Florida Statutes, is amended to read:**

376.3072 Florida Petroleum Liability and Restoration
Insurance Program.—

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

1151 1. A site at which an incident has occurred is eligible
1152 for restoration if the insured is a participant in the third-
1153 party liability insurance program or otherwise meets applicable
1154 financial responsibility requirements. After July 1, 1993, the
1155 insured must also provide the required excess insurance coverage
1156 or self-insurance for restoration to achieve the financial
1157 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
1158 not covered by paragraph (d).

1159 2. A site which had a discharge reported before January 1,
1160 1989, for which notice was given pursuant to s. 376.3071(10) and
1161 which is ineligible for the third-party liability insurance
1162 program solely due to that discharge is eligible for
1163 participation in the restoration program for an incident
1164 occurring on or after January 1, 1989, pursuant to subsection
1165 (3). Restoration funding for an eligible contaminated site will
1166 be provided without participation in the third-party liability
1167 insurance program until the site is restored as required by the
1168 department or until the department determines that the site does
1169 not require restoration.

1170 3. Notwithstanding paragraph (b), a site where an
1171 application is filed with the department before January 1, 1995,
1172 where the owner is a small business under s. 288.703(5) ~~s.~~
1173 ~~288.703(6)~~, a Florida College System institution with less than
1174 2,500 FTE, a religious institution as defined by s.
1175 212.08(7)(m), a charitable institution as defined by s.

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

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

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

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

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

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

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

1201 pursuant to this subparagraph.

1202 4.a. By January 1, 1997, facilities at sites with existing
1203 contamination must have methods of release detection to be
1204 eligible for restoration insurance coverage for new discharges
1205 subject to department rules for secondary containment. Annual
1206 storage system testing, in conjunction with inventory control,
1207 shall be considered to be a method of release detection until
1208 the later of December 22, 1998, or 10 years after the date of
1209 installation or the last upgrade. Other methods of release
1210 detection for storage tanks which meet such requirement are:

1211 (I) Interstitial monitoring of tank and integral piping
1212 secondary containment systems;

1213 (II) Automatic tank gauging systems; or

1214 (III) A statistical inventory reconciliation system with a
1215 tank test every 3 years.

1216 b. For pressurized integral piping systems, the owner or
1217 operator must use:

1218 (I) An automatic in-line leak detector with flow
1219 restriction meeting the requirements of department rules used in
1220 conjunction with an annual tightness or pressure test; or

1221 (II) An automatic in-line leak detector with electronic
1222 flow shut-off meeting the requirements of department rules.

1223 c. For suction integral piping systems, the owner or
1224 operator must use:

1225 (I) A single check valve installed directly below the

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

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

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

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

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

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

1251 a site rehabilitation completion order was not issued before
1252 June 1, 2008, regardless of whether they have previously
1253 transitioned to nonstate-funded cleanup status, may continue
1254 state-funded cleanup pursuant to s. 376.3071(6) until a site
1255 rehabilitation completion order is issued or the increased site
1256 rehabilitation funding assistance limit is reached, whichever
1257 occurs first.

1258 **Section 28. Paragraph (g) of subsection (1) of section**
1259 **376.84, Florida Statutes, is amended to read:**

1260 376.84 Brownfield redevelopment economic incentives.—It is
1261 the intent of the Legislature that brownfield redevelopment
1262 activities be viewed as opportunities to significantly improve
1263 the utilization, general condition, and appearance of these
1264 sites. Different standards than those in place for new
1265 development, as allowed under current state and local laws,
1266 should be used to the fullest extent to encourage the
1267 redevelopment of a brownfield. State and local governments are
1268 encouraged to offer redevelopment incentives for this purpose,
1269 as an ongoing public investment in infrastructure and services,
1270 to help eliminate the public health and environmental hazards,
1271 and to promote the creation of jobs in these areas. Such
1272 incentives may include financial, regulatory, and technical
1273 assistance to persons and businesses involved in the
1274 redevelopment of the brownfield pursuant to this act.

1275 (1) Financial incentives and local incentives for

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redemption may include, but not be limited to:

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

Section 29. Paragraph (a) of subsection (3) and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

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

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

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

1. Financial need.

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

3. Scholastic ability and performance.

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

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

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

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

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

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

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

Section 30. Paragraph (d) of subsection (7) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

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1326 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

1327 (d) The Board of Governors, or the board's designee, shall
1328 ensure compliance with the provisions of ~~s. 287.09451 for all~~
1329 ~~procurement and~~ ss. 255.101 and 255.102 for construction
1330 contracts, and rules adopted pursuant thereto, relating to the
1331 utilization of minority business enterprises, ~~except that~~
1332 ~~procurements costing less than the amount provided for in~~
1333 ~~CATEGORY FIVE as provided in s. 287.017 shall not be subject to~~
1334 ~~s. 287.09451.~~

1335 **Section 31.** This act shall take effect July 1, 2026.