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A bill to be entitled  
An act relating to the Department of Management Services; amending s. 110.12315, F.S.; revising the plan year for which the department must implement formulary management for prescription drugs and supplies under the state employees' prescription drug program; removing a requirement that certain prescription drugs be made available for inclusion in the program formulary; prohibiting coverage of certain prescription drugs and supplies under the program; revising the date by which the department must submit a list of prescription drugs and supplies excluded from coverage under the program to the Governor and Legislature; creating s. 110.12316, F.S.; defining the term "state agency"; requiring the department to make a certain administrative health insurance assessment against each state agency; providing applicability of and requirements for such assessments; amending s. 110.605, F.S.; removing a requirement that the department develop a program to ensure positions for women and minorities in the Selected Exempt Service; amending s. 272.04, F.S.; specifying that the Governor, the Cabinet officers, and the Legislature are permanent tenants of the Capitol Complex; providing requirements for modifications of interior

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26 spaces allocated to such tenants and the use of vacant  
27 interior spaces within the complex; amending s.  
28 272.09, F.S.; revising the definitions of the terms  
29 "Capitol Complex" and "Memorial Park"; requiring the  
30 department to manage, maintain, and upkeep the Mayo  
31 Building after the Department of Agriculture and  
32 Consumer Services vacates the building; requiring the  
33 department to consult with and receive the approval of  
34 tenants for certain projects within the Capitol  
35 Center; requiring the department to consider certain  
36 factors for projects that impact legislative spaces;  
37 authorizing the Legislature to make modifications to  
38 allocated spaces; requiring the department to receive  
39 approval from the Legislature for certain projects  
40 before including such projects in a specified report;  
41 amending s. 272.121, F.S.; requiring the department to  
42 solicit feedback from specified entities in the  
43 development of long-range planning for the Capitol  
44 Center; amending s. 272.16, F.S.; providing  
45 requirements for the assignment or reduction of  
46 parking spaces allocated to the Legislature within the  
47 Capitol Center; amending s. 287.012, F.S.; removing  
48 the definition of the term "minority business  
49 enterprise"; amending s. 287.042, F.S.; removing  
50 provisions authorizing the Office of Supplier

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51       Diversity to monitor the state procurement system for  
52       the use of minority business enterprises and to  
53       consult with the department on procedures for such  
54       procurement; repealing s. 287.0943, F.S., relating to  
55       the certification of minority business enterprises;  
56       repealing s. 287.09431, F.S., relating to statewide  
57       and interlocal agreements on certification of business  
58       concerns for the status of minority business  
59       enterprises; amending s. 287.09451, F.S.; renaming the  
60       Office of Supplier Diversity as the Office of Supplier  
61       Development; removing legislative intent provisions  
62       relating to the participation of minority business  
63       enterprises in the state procurement system; providing  
64       powers, duties, and functions of the office relating  
65       to the participation of Florida-based small business  
66       enterprises in the state procurement system; removing  
67       provisions authorizing the Office of Supplier  
68       Diversity to adopt certain rules and take certain  
69       actions relating to compliance with the department's  
70       minority business enterprise procurement goals;  
71       repealing s. 287.0947, F.S., relating to the Florida  
72       Advisory Council on Small and Minority Business  
73       Development; amending s. 288.706, F.S.; removing  
74       provisions requiring the department to administer the  
75       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

176 15 of each calendar year.

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

184 **Section 3. Paragraph (d) of subsection (1) of section**  
185 **110.605, Florida Statutes, is amended to read:**

186 110.605 Powers and duties; personnel rules, records,  
187 reports, and performance appraisal.—

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

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

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

198 272.04 Department to allocate space.—

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

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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

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

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

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

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

274 272.121 Capitol Center long-range planning.—  
275 (3) In carrying out the provisions of the foregoing, the

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

286 **Section 7. Subsection (2) of section 272.16, Florida**

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

288 272.16 Parking areas within Capitol Center area.—

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

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

297 **Section 8. Subsections (19) through (29) of section**

298 **287.012, Florida Statutes, are renumbered as subsections (18)**  
299 **through (28), respectively, and present subsections (18) and**  
300 **(19) of that section are amended to read:**

301 287.012 Definitions.—As used in this part, the term:

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

304 ~~(18) (19) "Office" means the Office of Supplier Development~~  
305 ~~Diversity of the Department of Management Services.~~

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

309 287.042 Powers, duties, and functions.—The department  
310 shall have the following powers, duties, and functions:

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

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

335 (c) Any person who files an action protesting a decision  
336 or intended decision pertaining to contracts administered by the  
337 department, a water management district, or an agency pursuant  
338 to s. 120.57(3)(b) shall post with the department, the water  
339 management district, or the agency at the time of filing the  
340 formal written protest a bond payable to the department, the  
341 water management district, or agency in an amount equal to 1  
342 percent of the estimated contract amount. For protests of  
343 decisions or intended decisions pertaining to exceptional  
344 purchases, the bond shall be in an amount equal to 1 percent of  
345 the estimated contract amount for the exceptional purchase. The  
346 estimated contract amount shall be based upon the contract price  
347 submitted by the protestor or, if no contract price was  
348 submitted, the department, water management district, or agency  
349 shall estimate the contract amount based on factors including,  
350 but not limited to, the price of previous or existing contracts

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351 for similar commodities or contractual services, the amount  
352 appropriated by the Legislature for the contract, or the fair  
353 market value of similar commodities or contractual services. The  
354 agency shall provide the estimated contract amount to the vendor  
355 within 72 hours, excluding Saturdays, Sundays, and state  
356 holidays, after the filing of the notice of protest by the  
357 vendor. The estimated contract amount is not subject to protest  
358 pursuant to s. 120.57(3). The bond shall be conditioned upon the  
359 payment of all costs and charges that are adjudged against the  
360 protestor in the administrative hearing in which the action is  
361 brought and in any subsequent appellate court proceeding. In  
362 lieu of a bond, the department, the water management district,  
363 or agency may, in either case, accept a cashier's check,  
364 official bank check, or money order in the amount of the bond.  
365 If, after completion of the administrative hearing process and  
366 any appellate court proceedings, the department, water  
367 management district, or agency prevails, it shall recover all  
368 costs and charges which shall be included in the final order or  
369 judgment, excluding attorney attorney's fees. ~~This section shall~~  
370 ~~not apply to protests filed by the Office of Supplier Diversity.~~  
371 Upon payment of such costs and charges by the protestor, the  
372 bond, cashier's check, official bank check, or money order shall  
373 be returned to the protestor. If, after the completion of the  
374 administrative hearing process and any appellate court  
375 proceedings, the protestor prevails, the protestor shall recover

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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~~

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

404 **Section 10.** Section 287.0943, Florida Statutes, is  
405 repealed.

406 **Section 11.** Section 287.09431, Florida Statutes, is  
407 repealed.

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

410 287.09451 Office of Supplier Development Diversity;  
411 powers, duties, and functions.—

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

426 diversified minority business enterprises into the marketplace.

427 (1) (2) The Office of Supplier Development Diversity is  
428 established within the Department of Management Services to  
429 assist Florida-based small minority business enterprises in  
430 becoming suppliers of commodities, services, and construction to  
431 state government.

432 (2) (3) The secretary shall appoint an executive director  
433 for the Office of Supplier Development Diversity, who shall  
434 serve at the pleasure of the secretary.

435 (3) (4) The Office of Supplier Development Diversity shall  
436 have the following powers, duties, and functions:

437 (a) To receive and disseminate information:

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

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

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

450 (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

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

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

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

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

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

525 (e) 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

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

610 a. For construction contracts: 4 percent for black  
611 Americans, 6 percent for Hispanic Americans, and 11 percent for  
612 American women.

613 b. For architectural and engineering contracts: 9 percent  
614 for Hispanic Americans, 1 percent for Asian Americans, and 15  
615 percent for American women.

616 c. For commodities: 2 percent for black Americans, 4  
617 percent for Hispanic Americans, 0.5 percent for Asian Americans,  
618 0.5 percent for Native Americans, and 17 percent for American  
619 women.

620 d. For contractual services: 6 percent for black  
621 Americans, 7 percent for Hispanic Americans, 1 percent for  
622 Asian Americans, 0.5 percent for Native Americans, and 36  
623 percent for American women.

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

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

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

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

651 These guidelines shall include consideration of:

652 a. Size and complexity of the project.

653 b. The concentration of transactions with minority

654 business enterprises for the commodity or contractual services

655 in question in prior agency contracting.

656 e. The specificity and definition of work allocated to

657 participating minority business enterprises.

658 d. The capacity of participating minority business

659 enterprises to complete the tasks identified in the project.

660 e. The available pool of minority business enterprises as

661 prime contractors, either alone or as partners in an approved

662 joint venture that serves as the prime contractor.

663 5. To determine guidelines for use of joint ventures to

664 meet minority business enterprises spending goals. For purposes

665 of this section, "joint venture" means any association of two or

666 more business concerns to carry out a single business enterprise

667 for profit, for which purpose they combine their property,

668 capital, efforts, skills, and knowledge. The guidelines shall

669 allow transactions with joint ventures to be eligible for credit

670 against the minority business enterprise goals of an agency when

671 the contracting joint venture demonstrates that at least one

672 partner to the joint venture is a certified minority business

673 enterprise as defined in s. 288.703, and that such partner is

674 responsible for a clearly defined portion of the work to be

675 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 (e)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 e. 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

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

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

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

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

776 demonstrates:

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

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

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

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

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

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

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

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

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

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

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

818 **Section 13.** Section 287.0947, Florida Statutes, is  
819 repealed.

820 **Section 14. Subsections (2), (10), and (11) of section**  
821 **288.706, Florida Statutes, are amended to read:**

822 288.706 Florida Minority Business Loan Mobilization  
823 Program.—

824 (2) The Florida Minority Business Loan Mobilization  
825 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

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851 \$3 must be paid for all criminal offenses listed in s. 318.17  
852 and for all noncriminal moving traffic violations under chapter  
853 316. Revenue from the surcharge shall be remitted to the  
854 Department of Revenue and deposited quarterly into the State  
855 Agency Law Enforcement Radio System Trust Fund of the Department  
856 of Management Services for the state agency law enforcement  
857 radio system, as described in s. 282.709, and to provide  
858 technical assistance to state agencies and local law enforcement  
859 agencies with their statewide systems of regional law  
860 enforcement communications, as described in s. 282.7101. ~~This~~  
861 ~~subsection expires July 1, 2026.~~ The Department of Management  
862 Services may retain funds sufficient to recover the costs and  
863 expenses incurred for managing, administering, and overseeing  
864 the Statewide Law Enforcement Radio System, and providing  
865 technical assistance to state agencies and local law enforcement  
866 agencies with their statewide systems of regional law  
867 enforcement communications. The Department of Management  
868 Services working in conjunction with the Joint Task Force on  
869 State Agency Law Enforcement Communications shall determine and  
870 direct the purposes for which these funds are used to enhance  
871 and improve the radio system.

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

874 318.21 Disposition of civil penalties by county courts.—  
875 All civil penalties received by a county court pursuant to the

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

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

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

884 17.11 To report disbursements made.—

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

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

901 24.113 Minority participation.—

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

916 **Section 19. Paragraph (g) of subsection (3) of section  
917 212.096, Florida Statutes, is amended to read:**

918 212.096 Sales, rental, storage, use tax; enterprise zone  
919 jobs credit against sales tax.—

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

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

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926 s. 288.703(5) s. 288.703(6).927 **Section 20. Subsection (1) of section 255.101, Florida  
928 Statutes, is amended to read:**929 255.101 Contracts for public construction works;  
930 utilization of minority business enterprises.—931 (1) All county officials, boards of county commissioners,  
932 school boards, city councils, city commissioners, and all other  
933 public officers of state boards or commissions which are charged  
934 with the letting of contracts for public works and for the  
935 construction of public bridges, buildings, and other structures  
936 shall operate in accordance with s. 287.093, ~~except that all~~  
937 ~~contracts for the construction of state facilities should comply~~  
938 ~~with provisions in s. 287.09451, and rules adopted pursuant~~  
939 ~~thereto, for the utilization of minority business enterprises.~~  
940 When construction is financed in whole or in part from federal  
941 funds and where federal provisions for utilization of minority  
942 business enterprises apply, this section shall not apply.943 **Section 21. Subsections (1), (2), and (4) of section  
944 255.102, Florida Statutes, are amended to read:**945 255.102 Contractor utilization of minority business  
946 enterprises.—947 (1) Agencies shall consider the use of price preferences,  
948 weighted preference formulas, or other preferences for  
949 construction contracts, as determined appropriate by the Office  
950 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

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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.—

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## 1026 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

1027 (d) Each agency shall evaluate professional services,  
1028 including capabilities, adequacy of personnel, past record,  
1029 experience, whether the firm is a certified minority business  
1030 enterprise as defined by the Florida Small and Minority Business  
1031 Assistance Act, and other factors determined by the agency to be  
1032 applicable to its particular requirements. ~~When securing~~  
1033 ~~professional services, an agency must endeavor to meet the~~  
1034 ~~minority business enterprise procurement goals under s.~~  
1035 ~~287.09451.~~1036 **Section 23. Subsections (7) and (8) of section 287.057, Florida Statutes, are amended to read:**1037 287.057 Procurement of commodities or contractual  
1038 services.—1039 (7) Upon issuance of any solicitation, an agency shall,  
1040 upon request by the department, forward to the department one  
1041 copy of each solicitation for all commodity and contractual  
1042 services purchases in excess of the threshold amount provided in  
1043 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,  
1044 furnish a copy of all competitive-solicitation tabulations. The  
1045 Office of Supplier Development Diversity may also request from  
1046 the agencies any information submitted to the department  
1047 pursuant to this subsection.1048 (8) (a) ~~In order to strive to meet the minority business~~  
1049 ~~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

1126 conditions as the general food and beverage concessionaire and  
1127 ~~in accordance with the minority business enterprise procurement~~  
1128 ~~goals set forth in s. 287.09451;~~

1129 **Section 26. Subsections (2) through (6) of section**  
1130 **288.703, Florida Statutes, are renumbered as subsections (1)**  
1131 **through (5), respectively, and present subsections (1) and (5)**  
1132 **of that section are amended to read:**

1133 288.703 Definitions.—As used in ss. 288.702-288.706, the  
1134 term:

1135 ~~(1) "Certified minority business enterprise" means a~~  
1136 ~~business which has been certified by the certifying organization~~  
1137 ~~or jurisdiction in accordance with s. 287.0943(1) and (2).~~

1138 ~~(4)(5) "Ombudsman" means an office or individual whose~~  
1139 responsibilities include coordinating with the Office of  
1140 Supplier Development Diversity for the interests of and  
1141 providing assistance to small and minority business enterprises  
1142 in dealing with governmental agencies and in developing  
1143 proposals for changes in state agency rules.

1144 **Section 27. Paragraph (a) of subsection (2) of section**  
1145 **376.3072, Florida Statutes, is amended to read:**

1146 376.3072 Florida Petroleum Liability and Restoration  
1147 Insurance Program.—

1148 (2) (a) An owner or operator of a petroleum storage system  
1149 may become an insured in the restoration insurance program at a  
1150 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.

1176 212.08(7)(p), or a county or municipality with a population of  
1177 less than 50,000, is eligible for up to \$400,000 of eligible  
1178 restoration costs, less a deductible of \$10,000 for small  
1179 businesses, eligible Florida College System institutions, and  
1180 religious or charitable institutions, and \$30,000 for eligible  
1181 counties and municipalities, if:

1182 a. Except as provided in sub-subparagraph e., the facility  
1183 was in compliance with department rules at the time of the  
1184 discharge.

1185 b. The owner or operator has, upon discovery of a  
1186 discharge, promptly reported the discharge to the department,  
1187 and drained and removed the system from service, if necessary.

1188 c. The owner or operator has not intentionally caused or  
1189 concealed a discharge or disabled leak detection equipment.

1190 d. The owner or operator proceeds to complete initial  
1191 remedial action as specified in department rules.

1192 e. The owner or operator, if required and if it has not  
1193 already done so, applies for third-party liability coverage for  
1194 the facility within 30 days after receipt of an eligibility  
1195 order issued by the department pursuant to this subparagraph.

1196  
1197 However, the department may consider in-kind services from  
1198 eligible counties and municipalities in lieu of the \$30,000  
1199 deductible. The cost of conducting initial remedial action as  
1200 defined by department rules is an eligible restoration cost

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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

1226 suction pump if there are no other valves between the dispenser  
1227 and the tank; or

1228 (II) An annual tightness test or other approved test.

1229 d. Owners of facilities with existing contamination that  
1230 install internal release detection systems pursuant to sub-  
1231 subparagraph a. shall permanently close their external  
1232 groundwater and vapor monitoring wells pursuant to department  
1233 rules by December 31, 1998. Upon installation of the internal  
1234 release detection system, such wells must be secured and taken  
1235 out of service until permanent closure.

1236 e. Facilities with vapor levels of contamination meeting  
1237 the requirements of or below the concentrations specified in the  
1238 performance standards for release detection methods specified in  
1239 department rules may continue to use vapor monitoring wells for  
1240 release detection.

1241 f. The department may approve other methods of release  
1242 detection for storage tanks and integral piping which have at  
1243 least the same capability to detect a new release as the methods  
1244 specified in this subparagraph.

1245  
1246 Sites meeting the criteria of this subsection for which a site  
1247 rehabilitation completion order was issued before June 1, 2008,  
1248 do not qualify for the 2008 increase in site rehabilitation  
1249 funding assistance and are bound by the pre-June 1, 2008,  
1250 limits. Sites meeting the criteria of this subsection for which

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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

1276 redevelopment may include, but not be limited to:

1277 (g) Minority business enterprise programs as provided in  
1278 ~~s. 287.0943.~~

1279 **Section 29. Paragraph (a) of subsection (3) and subsection**  
1280 **(6) of section 473.3065, Florida Statutes, are amended to read:**

1281 473.3065 Clay Ford Scholarship Program; Certified Public  
1282 Accountant Education Minority Assistance Advisory Council.—

1283 (3) The board shall adopt rules as necessary for  
1284 administration of the Clay Ford Scholarship Program, including  
1285 rules relating to the following:

1286 (a) Eligibility criteria for receipt of a scholarship,  
1287 which, at a minimum, shall include the following factors:

1288 1. Financial need.

1289 2. Ethnic, gender, or racial minority status pursuant to  
1290 s. 288.703(3) ~~s. 288.703(4)~~.

1291 3. Scholastic ability and performance.

1292 (6) There is hereby created the Certified Public  
1293 Accountant Education Minority Assistance Advisory Council to  
1294 assist the board in administering the Clay Ford Scholarship  
1295 Program. The council shall be diverse and representative of the  
1296 gender, ethnic, and racial categories set forth in s. 288.703(3)  
1297 ~~s. 288.703(4)~~.

1298 (a) The council shall consist of five licensed Florida-  
1299 certified public accountants selected by the board, of whom one  
1300 shall be a board member who serves as chair of the council, one

1301 shall be a representative of the National Association of Black  
1302 Accountants, one shall be a representative of the Cuban American  
1303 CPA Association, and two shall be selected at large. At least  
1304 one member of the council must be a woman.

1305 (b) The board shall determine the terms for initial  
1306 appointments and appointments thereafter.

1307 (c) Any vacancy on the council shall be filled in the  
1308 manner provided for the selection of the initial member. Any  
1309 member appointed to fill a vacancy of an unexpired term shall be  
1310 appointed for the remainder of that term.

1311 (d) Three consecutive absences or absences constituting 50  
1312 percent or more of the council's meetings within any 12-month  
1313 period shall cause the council membership of the member in  
1314 question to become void, and the position shall be considered  
1315 vacant.

1316 (e) The members of the council shall serve without  
1317 compensation, and any necessary and actual expenses incurred by  
1318 a member while engaged in the business of the council shall be  
1319 borne by such member or by the organization or agency such  
1320 member represents. However, the council member who is a member  
1321 of the board shall be compensated in accordance with ss.  
1322 455.207(4) and 112.061.

1323 **Section 30. Paragraph (d) of subsection (7) of section  
1324 1001.706, Florida Statutes, is amended to read:**

1325 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.