

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hays offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Effective July 1, 2010, section 17.20, Florida  
7 Statutes, is amended to read:

8 17.20 Assignment of claims for collection.—

9 (1) The Chief Financial Officer shall charge the state  
10 attorneys with the collection of all claims that are placed in  
11 their hands for collection of money or property for the state or  
12 any county or special district, or that it otherwise requires  
13 them to collect. The charges are evidence of indebtedness of a  
14 state attorney against whom any charge is made for the full  
15 amount of the claim, until the charges have been collected and  
16 paid into the treasury of the state or of the county or special  
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17 district or the legal remedies of the state have been exhausted,  
18 or until the state attorney demonstrates to the Chief Financial  
19 Officer that the failure to collect the charges is not due to  
20 negligence and the Chief Financial Officer has made a proper  
21 entry of satisfaction of the charge against the state attorney.

22 (2) The Chief Financial Officer may assign the collection  
23 of any claim to a collection agent or agents who are ~~is~~  
24 registered and in good standing pursuant to chapter 559, if the  
25 Chief Financial Officer determines the assignation to be cost-  
26 effective. The Chief Financial Officer may ~~pay an agent from any~~  
27 ~~amount collected under the claim a fee that the Chief Financial~~  
28 ~~Officer and the agent have agreed upon; may authorize the agent~~  
29 ~~to deduct the fee from the amount collected; may require the~~  
30 ~~appropriate state agency, county, or special district to pay the~~  
31 ~~agent the fee from any amount collected by the agent on its~~  
32 ~~behalf; or may authorize the agent~~ or agents to add a ~~the~~ fee to  
33 the amount to be collected.

34 (3) Each agency shall be responsible for exercising due  
35 diligence in securing full payment of all accounts receivable  
36 and other claims due the state.

37 (a) No later than 120 days after the date on which the  
38 account or other claim was due and payable, unless another  
39 period is approved by the Chief Financial Officer, and after  
40 exhausting other lawful measures available to the agency, each  
41 agency shall report the delinquent accounts receivable as  
42 directed by the Chief Financial Officer to the appropriate  
43 collection agent for further action, excluding those agencies

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44 that collect delinquent accounts with independent statutory  
45 authority.

46 (b) An agency that has delinquent accounts receivable,  
47 which the agency considers to be of a nature that assignment to  
48 a collection agency would be inappropriate, may request in  
49 writing for an exemption for those accounts. The request shall  
50 fully explain the nature of the delinquent accounts receivable  
51 and the reasons the agency believes such accounts would be  
52 precluded from being assigned to a collection agency. The Chief  
53 Financial Officer shall disapprove the request in writing unless  
54 the agency shows that a demonstrative harm to the state will  
55 occur as a result of assignment to a collection agency.

56 (c) Agencies that have delinquent accounts receivable,  
57 which accounts are of such a nature that it would not be  
58 appropriate to transfer collection of those delinquent accounts  
59 to the Chief Financial Officer within 120 days after the date  
60 they are due and payable, may request in writing a different  
61 period of time for transfer of collection of such accounts. The  
62 request shall fully explain the nature of the delinquent  
63 accounts receivable and include a recommendation as to an  
64 appropriate period.

65 (4) Beginning October 1, 2010, and each October 1  
66 thereafter, each agency shall submit a report to the President  
67 of the Senate, the Speaker of the House of Representatives, and  
68 the Chief Financial Officer that shall include:

69 (a) A detailed list and total of all accounts that were  
70 referred for collection and the status of such accounts,

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71 including the date referred, any amounts collected, and the  
72 total that remains uncollected.

73 (b) A list and total of all delinquent accounts that were  
74 not referred to a collection agency, the reasons for not  
75 referring those accounts, and the actions taken by the agency to  
76 collect.

77 (c) A list of all accounts or claims, including a  
78 description and the total amount of each account or claim, that  
79 were written off or waived by the agency for any reason during  
80 the prior fiscal year, the reason for being written off, and  
81 whether any of those accounts continue to be pursued by a  
82 collection agent.

83 (5) Beginning December 1, 2010, and each December 1  
84 thereafter, the Chief Financial Officer shall provide to the  
85 Governor, the President of the Senate, and the Speaker of the  
86 House of Representatives a report that details the following  
87 information for any contracted collection agent:

88 (a) The amount of claims referred for collection by each  
89 agency, cumulatively and annually.

90 (b) The number of accounts by age and amount.

91 (c) A listing of those agencies that failed to report  
92 known claims to the Chief Financial Officer in a timely manner  
93 as prescribed in subsection (3).

94 (d) The total amount of claims collected, cumulatively and  
95 annually.

96 (6)~~(3)~~ Notwithstanding any other provision of law, in any  
97 contract providing for the location or collection of unclaimed  
98 property, the Chief Financial Officer may authorize the  
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99 contractor to deduct its fees and expenses for services provided  
100 under the contract from the unclaimed property that the  
101 contractor has recovered or collected under the contract. The  
102 Chief Financial Officer shall annually report to the Governor,  
103 President of the Senate, and the Speaker of the House of  
104 Representatives the total amount collected or recovered by each  
105 contractor during the previous fiscal year and the total fees  
106 and expenses deducted by each contractor.

107 Section 2. Section 287.012, Florida Statutes, is amended  
108 to read:

109 287.012 Definitions.—As used in this part, the term:

110 (1) "Agency" means any of the various state officers,  
111 departments, boards, commissions, divisions, bureaus, and  
112 councils and any other unit of organization, however designated,  
113 of the executive branch of state government. "Agency" does not  
114 include the university and college boards of trustees or the  
115 state universities and colleges.

116 (2) "Agency head" means, with respect to an agency headed  
117 by a collegial body, the executive director or chief  
118 administrative officer of the agency.

119 (3) "Artistic services" ~~"Artist"~~ means the rendering by a  
120 contractor of its time and effort to create or perform an  
121 artistic work in the fields ~~an individual or group of~~  
122 ~~individuals who profess and practice a demonstrated creative~~  
123 ~~talent and skill in the area~~ of music, dance, drama, folk art,  
124 creative writing, painting, sculpture, photography, graphic  
125 arts, craft arts, industrial design, costume design, fashion

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126 design, motion pictures, television, radio, or tape and sound  
127 recording ~~or in any other related field.~~

128 (4) "Best value" means the highest overall value to the  
129 state based on objective factors that include, but are not  
130 limited to, price, quality, design, and workmanship.

131 (5) "Commodity" means any of the various supplies,  
132 materials, goods, merchandise, food, equipment, information  
133 technology, and other personal property, including a mobile  
134 home, trailer, or other portable structure with floor space of  
135 less than 5,000 square feet, purchased, leased, or otherwise  
136 contracted for by the state and its agencies. "Commodity" also  
137 includes interest on deferred-payment commodity contracts  
138 approved pursuant to s. 287.063 entered into by an agency for  
139 the purchase of other commodities. However, commodities  
140 purchased for resale are excluded from this definition. ~~Further,~~  
141 ~~a prescribed drug, medical supply, or device required by a~~  
142 ~~licensed health care provider as a part of providing health~~  
143 ~~services involving examination, diagnosis, treatment,~~  
144 ~~prevention, medical consultation, or administration for clients~~  
145 ~~at the time the service is provided is not considered to be a~~  
146 ~~"commodity."~~ Printing of publications shall be considered a  
147 commodity when let upon contract pursuant to s. 283.33, whether  
148 purchased for resale or not.

149 (6) "Competitive solicitation sealed bids," ~~"competitive~~  
150 ~~sealed proposals,"~~ or ~~"competitive sealed replies"~~ means the  
151 process of requesting and receiving two or more sealed bids,  
152 proposals, or replies submitted by responsive vendors in  
153 accordance with the terms of a competitive process, regardless

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154 ~~of the method of procurement and includes bids, proposals, or~~  
155 ~~replies transmitted by electronic means in lieu of or in~~  
156 ~~addition to written bids, proposals, or replies.~~

157 ~~(7) "Competitive solicitation" or "solicitation" means an~~  
158 ~~invitation to bid, a request for proposals, or an invitation to~~  
159 ~~negotiate.~~

160 ~~(7)(8)~~ "Contractor" means a person who contracts to sell  
161 commodities or contractual services to an agency.

162 ~~(8)(9)~~ "Contractual service" means the rendering by a  
163 contractor of its time and effort rather than the furnishing of  
164 specific commodities. The term applies only to those services  
165 rendered by individuals and firms who are independent  
166 contractors, and such services may include, but are not limited  
167 to, evaluations; consultations; maintenance; accounting;  
168 security; management systems; management consulting; educational  
169 training programs; research and development studies or reports  
170 on the findings of consultants engaged thereunder; and  
171 professional, technical, and social services. "Contractual  
172 service" does not include any contract for the furnishing of  
173 labor or materials for the construction, renovation, repair,  
174 modification, or demolition of any facility, building, portion  
175 of building, utility, park, parking lot, or structure or other  
176 improvement to real property entered into pursuant to chapter  
177 255 and rules adopted thereunder.

178 ~~(9)(10)~~ "Department" means the Department of Management  
179 Services.

180 ~~(10)(11)~~ "Electronic posting" or "electronically post"  
181 means the noticing ~~posting~~ of solicitations, agency decisions or  
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182 intended decisions, or other matters relating to procurement on  
183 a centralized Internet website designated by the department for  
184 this purpose.

185 ~~(11)-(12)~~ "Eligible user" means any person or entity  
186 authorized by the department pursuant to rule to purchase from  
187 state term contracts or to use the online procurement system.

188 ~~(12)-(13)~~ "Exceptional purchase" means any purchase of  
189 commodities or contractual services excepted by law or rule from  
190 the requirements for competitive solicitation, including, but  
191 not limited to, purchases from a single source; purchases upon  
192 receipt of less than two responsive bids, proposals, or replies;  
193 purchases made by an agency, after receiving approval from the  
194 department, from a contract procured, pursuant to s. 287.057(1),  
195 ~~(2), or (3),~~ or by another agency; and purchases made without  
196 advertisement in the manner required by s. 287.042(3)(b).

197 ~~(13)-(14)~~ "Extension" means an increase in the time allowed  
198 for the contract period due to circumstances which, without  
199 fault of either party, make performance impracticable or  
200 impossible, or which prevent a new contract from being executed,  
201 with or without a proportional increase in the total dollar  
202 amount, with any increase to be based on the method and rate  
203 previously established in the contract.

204 ~~(14)-(15)~~ "Information technology" has the meaning ascribed  
205 in s. 282.0041.

206 ~~(15)-(16)~~ "Invitation to bid" means a written or  
207 electronically posted solicitation for competitive sealed bids.  
208 ~~The invitation to bid is used when the agency is capable of~~  
209 ~~specifically defining the scope of work for which a contractual~~  
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210 ~~service is required or when the agency is capable of~~  
211 ~~establishing precise specifications defining the actual~~  
212 ~~commodity or group of commodities required. A written~~  
213 ~~solicitation includes a solicitation that is electronically~~  
214 ~~posted.~~

215 (16)~~(17)~~ "Invitation to negotiate" means a written or  
216 electronically posted solicitation for competitive sealed  
217 replies to select one or more vendors with which to commence  
218 negotiations for the procurement of commodities or contractual  
219 services. ~~The invitation to negotiate is used when the agency~~  
220 ~~determines that negotiations may be necessary for the state to~~  
221 ~~receive the best value. A written solicitation includes a~~  
222 ~~solicitation that is electronically posted.~~

223 (17)~~(18)~~ "Minority business enterprise" has the meaning  
224 ascribed in s. 288.703.

225 (18)~~(19)~~ "Office" means the Office of Supplier Diversity  
226 of the Department of Management Services.

227 (19) "Outsource" means the process of contracting with a  
228 vendor to provide a service as defined in s. 216.011(1)(f), in  
229 whole or in part, or an activity as defined in s.  
230 216.011(1)(rr), while a state agency retains the responsibility  
231 and accountability for the service or activity and there is a  
232 transfer of management responsibility for the delivery of  
233 resources and the performance of those resources.

234 (20) "Renewal" means contracting with the same contractor  
235 for an additional contract period after the initial contract  
236 period, only if pursuant to contract terms specifically  
237 providing for such renewal.

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238 (21) "Request for information" means a written or  
239 electronically posted request made by an agency to vendors for  
240 information concerning commodities or contractual services.  
241 Responses to these requests are not offers and may not be  
242 accepted by the agency to form a binding contract.

243 (22) "Request for proposals" means a written or  
244 electronically posted solicitation for competitive sealed  
245 proposals. ~~The request for proposals is used when it is not~~  
246 ~~practicable for the agency to specifically define the scope of~~  
247 ~~work for which the commodity, group of commodities, or~~  
248 ~~contractual service is required and when the agency is~~  
249 ~~requesting that a responsible vendor propose a commodity, group~~  
250 ~~of commodities, or contractual service to meet the~~  
251 ~~specifications of the solicitation document. A written~~  
252 ~~solicitation includes a solicitation that is electronically~~  
253 ~~posted.~~

254 (23) "Request for a quote" means an oral or written  
255 request for written pricing or services information from a state  
256 term contract vendor for commodities or contractual services  
257 available on a state term contract from that vendor.

258 (24) "Responsible vendor" means a vendor who has the  
259 capability in all respects to fully perform the contract  
260 requirements and the integrity and reliability that will assure  
261 good faith performance.

262 (25) "Responsive bid," "responsive proposal," or  
263 "responsive reply" means a bid, or proposal, or reply submitted  
264 by a responsive and responsible vendor that conforms in all  
265 material respects to the solicitation.

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266 (26) "Responsive vendor" means a vendor that has submitted  
267 a bid, proposal, or reply that conforms in all material respects  
268 to the solicitation.

269 (27) "State term contract" means a term contract that is  
270 competitively procured by the department pursuant to s. 287.057  
271 and that is used by agencies and eligible users pursuant to s.  
272 287.056.

273 (28) "Term contract" means an indefinite quantity contract  
274 to furnish commodities or contractual services during a defined  
275 period.

276 Section 3. Section 287.017, Florida Statutes, is amended  
277 to read:

278 287.017 Purchasing categories, threshold amounts,  
279 ~~procedures for automatic adjustment by department.~~

280 ~~(1)~~ The following purchasing categories are hereby  
281 created:

282 (1) ~~(a)~~ CATEGORY ONE: \$20,000 ~~\$15,000~~.

283 (2) ~~(b)~~ CATEGORY TWO: \$35,000 ~~\$25,000~~.

284 (3) ~~(c)~~ CATEGORY THREE: \$65,000 ~~\$50,000~~.

285 (4) ~~(d)~~ CATEGORY FOUR: \$195,000 ~~\$150,000~~.

286 (5) ~~(e)~~ CATEGORY FIVE: \$325,000 ~~\$250,000~~.

287 ~~(2)~~ ~~The department shall adopt rules to adjust the amounts~~  
288 ~~provided in subsection (1) based upon the rate of change of a~~  
289 ~~nationally recognized price index. Such rules shall include, but~~  
290 ~~not be limited to, the following:~~

291 ~~(a)~~ ~~Designation of the nationally recognized price index~~  
292 ~~or component thereof used to calculate the proper adjustment~~  
293 ~~authorized in this section.~~

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294 ~~(b) The procedure for rounding results.~~

295 ~~(c) The effective date of each adjustment based upon the~~  
296 ~~previous calendar year data.~~

297 Section 4. Section 287.045, Florida Statutes, is repealed.

298 Section 5. Section 287.057, Florida Statutes, is amended  
299 to read:

300 287.057 Procurement of commodities or contractual  
301 services.—

302 (1) PROCUREMENT PROCESSES.—The competitive solicitation  
303 processes authorized in this section shall be used for  
304 procurement of commodities or contractual services in excess of  
305 the threshold amount provided for CATEGORY TWO in s. 287.017.  
306 Any competitive solicitation shall be made available  
307 simultaneously to all vendors, must include the time and date  
308 for the receipt of bids, proposals, or replies and of the public  
309 opening, and must include all contractual terms and conditions  
310 applicable to the procurement, including the criteria to be used  
311 in determining acceptability and relative merit of the bid,  
312 proposal, or reply.

313 (a) Invitation to bid.—The invitation to bid shall be used  
314 when the agency is capable of specifically defining the scope of  
315 work for which a contractual service is required or when the  
316 agency is capable of establishing precise specifications  
317 defining the actual commodity or group of commodities required.

318 1. All invitations to bid must include:

319 a. A detailed description of the commodities or  
320 contractual services sought; and

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321 b. If the agency contemplates renewal of the contract, a  
322 statement to that effect.

323 2. Bids submitted in response to an invitation to bid in  
324 which the agency contemplates renewal of the contract must  
325 include the price for each year for which the contract may be  
326 renewed.

327 3. Evaluation of bids shall include consideration of the  
328 total cost for each year of the contract, including renewal  
329 years, as submitted by the vendor.

330 (b) Request for proposals.—An agency shall use a request  
331 for proposals when the purposes and uses for which the  
332 commodity, group of commodities, or contractual service being  
333 sought can be specifically defined and the agency is capable of  
334 identifying necessary deliverables. Various combinations or  
335 versions of commodities or contractual services may be proposed  
336 by a responsive vendor to meet the specifications of the  
337 solicitation document.

338 1. Before issuing a request for proposals, the agency must  
339 determine and specify in writing the reasons that procurement by  
340 invitation to bid is not practicable.

341 2. All requests for proposals must include:

342 a. A statement describing the commodities or contractual  
343 services sought;

344 b. The relative importance of price and other evaluation  
345 criteria; and

346 c. If the agency contemplates renewal of the contract, a  
347 statement to that effect.

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348 3. Criteria that will be used for evaluation of proposals  
349 shall include, but are not limited to:

350 a. Price, which must be specified in the proposal;

351 b. If the agency contemplates renewal of the contract, the  
352 price for each year for which the contract may be renewed; and

353 c. Consideration of the total cost for each year of the  
354 contract, including renewal years, as submitted by the vendor.

355 4. The contract shall be awarded by written notice to the  
356 responsible and responsive vendor whose proposal is determined  
357 in writing to be the most advantageous to the state, taking into  
358 consideration the price and other criteria set forth in the  
359 request for proposals. The contract file shall contain  
360 documentation supporting the basis on which the award is made.

361 (c) Invitation to negotiate.—The invitation to negotiate  
362 is a solicitation used by an agency intended to determine the  
363 best method for achieving a specific goal or solving a  
364 particular problem and that identifies one or more responsive  
365 vendors with which the agency may negotiate in order to receive  
366 the best value.

367 1. Before issuing an invitation to negotiate, the head of  
368 an agency must determine and specify in writing the reasons that  
369 procurement by either an invitation to bid or a request for  
370 proposal is not practicable.

371 2. The invitation to negotiate must describe the questions  
372 being explored, the facts being sought, and the specific goals  
373 or problems that are the subject of the solicitation.

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374 3. The criteria that will be used for determining the  
375 acceptability of the reply and guiding the selection of the  
376 vendors with which the agency will negotiate must be specified.

377 4. The agency shall evaluate replies against all  
378 evaluation criteria set forth in the invitation to negotiate, in  
379 order to establish a competitive range of replies reasonably  
380 susceptible of award. The agency may select one or more vendors  
381 within the competitive range with which to commence  
382 negotiations. After negotiations are conducted, the agency shall  
383 award the contract to the responsible and responsive vendor that  
384 the agency determines will provide the best value to the state,  
385 based on the selection criteria.

386 5. The contract file for a vendor selected through an  
387 invitation to negotiate must contain a short plain statement  
388 that explains the basis for the selection of the vendor and that  
389 sets forth the vendor's deliverables and price, pursuant to the  
390 contract, with an explanation of how these deliverables and  
391 price provide the best value to the state.

392 ~~(1)(a) Unless otherwise authorized by law, all contracts~~  
393 ~~for the purchase of commodities or contractual services in~~  
394 ~~excess of the threshold amount provided in s. 287.017 for~~  
395 ~~CATEGORY TWO shall be awarded by competitive sealed bidding. An~~  
396 ~~invitation to bid shall be made available simultaneously to all~~  
397 ~~vendors and must include a detailed description of the~~  
398 ~~commodities or contractual services sought; the time and date~~  
399 ~~for the receipt of bids and of the public opening; and all~~  
400 ~~contractual terms and conditions applicable to the procurement,~~  
401 ~~including the criteria to be used in determining acceptability~~

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402 ~~of the bid. If the agency contemplates renewal of the contract,~~  
403 ~~that fact must be stated in the invitation to bid. The bid shall~~  
404 ~~include the price for each year for which the contract may be~~  
405 ~~renewed. Evaluation of bids shall include consideration of the~~  
406 ~~total cost for each year as submitted by the vendor. Criteria~~  
407 ~~that were not set forth in the invitation to bid may not be used~~  
408 ~~in determining acceptability of the bid.~~

409 ~~(b) The contract shall be awarded with reasonable~~  
410 ~~promptness by written notice to the responsible and responsive~~  
411 ~~vendor that submits the lowest responsive bid. This bid must be~~  
412 ~~determined in writing to meet the requirements and criteria set~~  
413 ~~forth in the invitation to bid.~~

414 ~~(2) (a) If an agency determines in writing that the use of~~  
415 ~~an invitation to bid is not practicable, commodities or~~  
416 ~~contractual services shall be procured by competitive sealed~~  
417 ~~proposals. A request for proposals shall be made available~~  
418 ~~simultaneously to all vendors, and must include a statement of~~  
419 ~~the commodities or contractual services sought; the time and~~  
420 ~~date for the receipt of proposals and of the public opening; and~~  
421 ~~all contractual terms and conditions applicable to the~~  
422 ~~procurement, including the criteria, which shall include, but~~  
423 ~~need not be limited to, price, to be used in determining~~  
424 ~~acceptability of the proposal. The relative importance of price~~  
425 ~~and other evaluation criteria shall be indicated. If the agency~~  
426 ~~contemplates renewal of the commodities or contractual services~~  
427 ~~contract, that fact must be stated in the request for proposals.~~  
428 ~~The proposal shall include the price for each year for which the~~  
429 ~~contract may be renewed. Evaluation of proposals shall include~~

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430 ~~consideration of the total cost for each year as submitted by~~  
431 ~~the vendor.~~

432 ~~(b) The contract shall be awarded to the responsible and~~  
433 ~~responsive vendor whose proposal is determined in writing to be~~  
434 ~~the most advantageous to the state, taking into consideration~~  
435 ~~the price and the other criteria set forth in the request for~~  
436 ~~proposals. The contract file shall contain documentation~~  
437 ~~supporting the basis on which the award is made.~~

438 ~~(3)(a) If the agency determines in writing that the use of~~  
439 ~~an invitation to bid or a request for proposals will not result~~  
440 ~~in the best value to the state, the agency may procure~~  
441 ~~commodities and contractual services by competitive sealed~~  
442 ~~replies. The agency's written determination must specify reasons~~  
443 ~~that explain why negotiation may be necessary in order for the~~  
444 ~~state to achieve the best value and must be approved in writing~~  
445 ~~by the agency head or his or her designee prior to the~~  
446 ~~advertisement of an invitation to negotiate. An invitation to~~  
447 ~~negotiate shall be made available to all vendors simultaneously~~  
448 ~~and must include a statement of the commodities or contractual~~  
449 ~~services sought; the time and date for the receipt of replies~~  
450 ~~and of the public opening; and all terms and conditions~~  
451 ~~applicable to the procurement, including the criteria to be used~~  
452 ~~in determining the acceptability of the reply. If the agency~~  
453 ~~contemplates renewal of the contract, that fact must be stated~~  
454 ~~in the invitation to negotiate. The reply shall include the~~  
455 ~~price for each year for which the contract may be renewed.~~

456 ~~(b) The agency shall evaluate and rank responsive replies~~  
457 ~~against all evaluation criteria set forth in the invitation to~~  
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458 ~~negotiate and shall select, based on the ranking, one or more~~  
459 ~~vendors with which to commence negotiations. After negotiations~~  
460 ~~are conducted, the agency shall award the contract to the~~  
461 ~~responsible and responsive vendor that the agency determines~~  
462 ~~will provide the best value to the state. The contract file must~~  
463 ~~contain a short plain statement that explains the basis for~~  
464 ~~vendor selection and that sets forth the vendor's deliverables~~  
465 ~~and price, pursuant to the contract, with an explanation of how~~  
466 ~~these deliverables and price provide the best value to the~~  
467 ~~state.~~

468 (2)~~(4)~~ Prior to the time for receipt of bids, proposals,  
469 or replies, an agency may conduct a conference or written  
470 question and answer period for purposes of assuring the vendor's  
471 full understanding of the solicitation requirements. The vendors  
472 shall be accorded fair and equal treatment.

473 (3)~~(5)~~ When the purchase price of commodities or  
474 contractual services exceeds the threshold amount provided in s.  
475 287.017 for CATEGORY TWO, no purchase of commodities or  
476 contractual services may be made without receiving competitive  
477 sealed bids, competitive sealed proposals, or competitive sealed  
478 replies unless:

479 (a) The agency head determines in writing that an  
480 immediate danger to the public health, safety, or welfare or  
481 other substantial loss to the state requires emergency action.  
482 After the agency head makes such a written determination, the  
483 agency may proceed with the procurement of commodities or  
484 contractual services necessitated by the immediate danger,  
485 without receiving competitive sealed bids, competitive sealed

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486 proposals, or competitive sealed replies. However, such  
487 emergency procurement shall be made by obtaining pricing  
488 information from at least two prospective vendors, which must be  
489 retained in the contract file, unless the agency determines in  
490 writing that the time required to obtain pricing information  
491 will increase the immediate danger to the public health, safety,  
492 or welfare or other substantial loss to the state. The agency  
493 shall furnish copies of all written determinations certified  
494 under oath and any other documents relating to the emergency  
495 action to the department. A copy of the statement shall be  
496 furnished to the Chief Financial Officer with the voucher  
497 authorizing payment. The individual purchase of personal  
498 clothing, shelter, or supplies which are needed on an emergency  
499 basis to avoid institutionalization or placement in a more  
500 restrictive setting is an emergency for the purposes of this  
501 paragraph, and the filing with the department of such statement  
502 is not required in such circumstances. In the case of the  
503 emergency purchase of insurance, the period of coverage of such  
504 insurance shall not exceed a period of 30 days, and all such  
505 emergency purchases shall be reported to the department.

506 (b) The purchase is made by an agency from a state term  
507 contract procured, pursuant to this section, by the department  
508 or by an agency, after receiving approval from the department,  
509 from a contract procured, pursuant to subsection (1), ~~subsection~~  
510 ~~(2), or subsection (3),~~ by another agency.

511 (c) Commodities or contractual services available only  
512 from a single source may be excepted from the competitive-  
513 solicitation requirements. When an agency believes that

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514 commodities or contractual services are available only from a  
515 single source, the agency shall electronically post a  
516 description of the commodities or contractual services sought  
517 for a period of at least 7 business days. The description must  
518 include a request that prospective vendors provide information  
519 regarding their ability to supply the commodities or contractual  
520 services described. If it is determined in writing by the  
521 agency, after reviewing any information received from  
522 prospective vendors, that the commodities or contractual  
523 services are available only from a single source, the agency  
524 shall:

525 1. Provide notice of its intended decision to enter a  
526 single-source purchase contract in the manner specified in s.  
527 120.57(3), if the amount of the contract does not exceed the  
528 threshold amount provided in s. 287.017 for CATEGORY FOUR.

529 2. Request approval from the department for the single-  
530 source purchase, if the amount of the contract exceeds the  
531 threshold amount provided in s. 287.017 for CATEGORY FOUR. The  
532 agency shall initiate its request for approval in a form  
533 prescribed by the department, which request may be  
534 electronically transmitted. The failure of the department to  
535 approve or disapprove the agency's request for approval within  
536 21 days after receiving such request shall constitute prior  
537 approval of the department. If the department approves the  
538 agency's request, the agency shall provide notice of its  
539 intended decision to enter a single-source contract in the  
540 manner specified in s. 120.57(3).

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541 (d) When it is in the best interest of the state, the  
542 secretary of the department or his or her designee may authorize  
543 the Support Program to purchase insurance by negotiation, but  
544 such purchase shall be made only under conditions most favorable  
545 to the public interest.

546 (e) Prescriptive assistive devices for the purpose of  
547 medical, developmental, or vocational rehabilitation of clients  
548 are excepted from competitive-solicitation requirements and  
549 shall be procured pursuant to an established fee schedule or by  
550 any other method which ensures the best price for the state,  
551 taking into consideration the needs of the client. Prescriptive  
552 assistive devices include, but are not limited to, prosthetics,  
553 orthotics, and wheelchairs. For purchases made pursuant to this  
554 paragraph, state agencies shall annually file with the  
555 department a description of the purchases and methods of  
556 procurement.

557 (f) The following contractual services and commodities are  
558 not subject to the competitive-solicitation requirements of this  
559 section:

560 1. Artistic services. For the purposes of this subsection,  
561 the term "artistic services" does not include advertising or  
562 typesetting. As used in this subparagraph, the term  
563 "advertising" means the making of a representation in any form  
564 in connection with a trade, business, craft, or profession in  
565 order to promote the supply of commodities or services by the  
566 person promoting the commodities or contractual services.

567 2. Academic program reviews.

568 3. Lectures by individuals.

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569 4. Auditing services.

570 5. Legal services, including attorney, paralegal, expert  
571 witness, appraisal, or mediator services.

572 6. Health services involving examination, diagnosis,  
573 treatment, prevention, or medical consultation, when such  
574 services are offered to eligible individuals participating in a  
575 specific program that qualifies multiple providers and utilizes  
576 a standard payment methodology or administration.

577 ~~7. Services provided to persons with mental or physical~~  
578 ~~disabilities by not-for-profit corporations which have obtained~~  
579 ~~exemptions under the provisions of s. 501(c)(3) of the United~~  
580 ~~States Internal Revenue Code or when such services are governed~~  
581 ~~by the provisions of Office of Management and Budget Circular A-~~  
582 ~~122. However, in acquiring such services, the agency shall~~  
583 ~~consider the ability of the vendor, past performance,~~  
584 ~~willingness to meet time requirements, and price.~~

585 ~~7.8. Medicaid services delivered to an eligible Medicaid~~  
586 ~~recipient unless the agency is directed otherwise in law by a~~  
587 ~~health care provider who has not previously applied for and~~  
588 ~~received a Medicaid provider number from the Agency for Health~~  
589 ~~Care Administration. However, this exception shall be valid for~~  
590 ~~a period not to exceed 90 days after the date of delivery to the~~  
591 ~~Medicaid recipient and shall not be renewed by the agency.~~

592 ~~8.9. Family placement services.~~

593 ~~10. Prevention services related to mental health,~~  
594 ~~including drug abuse prevention programs, child abuse prevention~~  
595 ~~programs, and shelters for runaways, operated by not-for-profit~~  
596 ~~corporations. However, in acquiring such services, the agency~~

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597 shall ~~consider the ability of the vendor, past performance,~~  
598 ~~willingness to meet time requirements, and price.~~

599 9.11. Training and education services provided to injured  
600 employees pursuant to s. 440.491(6).

601 ~~10.12.~~ Contracts entered into pursuant to s. 337.11.

602 ~~11.13.~~ Services or commodities provided by governmental  
603 agencies.

604 (g) Continuing education events or programs that are  
605 offered to the general public and for which fees have been  
606 collected that pay all expenses associated with the event or  
607 program are exempt from requirements for competitive  
608 solicitation.

609 ~~(4)(6)~~ If less than two responsive bids, proposals, or  
610 replies for commodity or contractual services purchases are  
611 received, the department or other agency may negotiate on the  
612 best terms and conditions. The department or other agency shall  
613 document the reasons that such action is in the best interest of  
614 the state in lieu of resoliciting competitive sealed bids,  
615 proposals, or replies. Each agency shall report all such actions  
616 to the department on a quarterly basis, in a manner and form  
617 prescribed by the department.

618 ~~(5)(7)~~ Upon issuance of any solicitation, an agency shall,  
619 upon request by the department, forward to the department one  
620 copy of each solicitation for all commodity and contractual  
621 services purchases in excess of the threshold amount provided in  
622 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,  
623 furnish a copy of all competitive-solicitation tabulations. The  
624 Office of Supplier Diversity may also request from the agencies  
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625 any information submitted to the department pursuant to this  
626 subsection.

627 ~~(6)-(8)~~(a) In order to strive to meet the minority business  
628 enterprise procurement goals set forth in s. 287.09451, an  
629 agency may reserve any contract for competitive solicitation  
630 only among certified minority business enterprises. Agencies  
631 shall review all their contracts each fiscal year and shall  
632 determine which contracts may be reserved for solicitation only  
633 among certified minority business enterprises. This reservation  
634 may only be used when it is determined, by reasonable and  
635 objective means, before the solicitation that there are capable,  
636 qualified certified minority business enterprises available to  
637 submit a bid, proposal, or reply on a contract to provide for  
638 effective competition. The Office of Supplier Diversity shall  
639 consult with any agency in reaching such determination when  
640 deemed appropriate.

641 (b) Before a contract may be reserved for solicitation  
642 only among certified minority business enterprises, the agency  
643 head must find that such a reservation is in the best interests  
644 of the state. All determinations shall be subject to s.  
645 287.09451(5). Once a decision has been made to reserve a  
646 contract, but before sealed bids, proposals, or replies are  
647 requested, the agency shall estimate what it expects the amount  
648 of the contract to be, based on the nature of the services or  
649 commodities involved and their value under prevailing market  
650 conditions. If all the sealed bids, proposals, or replies  
651 received are over this estimate, the agency may reject the bids,  
652 proposals, or replies and request new ones from certified  
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653 minority business enterprises, or the agency may reject the  
654 bids, proposals, or replies and reopen the bidding to all  
655 eligible vendors.

656 (c) All agencies shall consider the use of price  
657 preferences of up to 10 percent, weighted preference formulas,  
658 or other preferences for vendors as determined appropriate  
659 pursuant to guidelines established in accordance with s.  
660 287.09451(4) to increase the participation of minority business  
661 enterprises.

662 (d) All agencies shall avoid any undue concentration of  
663 contracts or purchases in categories of commodities or  
664 contractual services in order to meet the minority business  
665 enterprise purchasing goals in s. 287.09451.

666 ~~(7)~~<sup>(9)</sup> An agency may reserve any contract for competitive  
667 solicitation only among vendors who agree to use certified  
668 minority business enterprises as subcontractors or subvendors.  
669 The percentage of funds, in terms of gross contract amount and  
670 revenues, which must be expended with the certified minority  
671 business enterprise subcontractors and subvendors shall be  
672 determined by the agency before such contracts may be reserved.  
673 In order to bid on a contract so reserved, the vendor shall  
674 identify those certified minority business enterprises which  
675 will be utilized as subcontractors or subvendors by sworn  
676 statement. At the time of performance or project completion, the  
677 contractor shall report by sworn statement the payments and  
678 completion of work for all certified minority business  
679 enterprises used in the contract.

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680        (8)~~(10)~~ An agency shall not divide the solicitation  
681 ~~procurement~~ of commodities or contractual services so as to  
682 avoid the requirements of subsections (1)-(3) ~~(1) through (5)~~.

683        (9)~~(11)~~ A contract for commodities or contractual services  
684 may be awarded without competition if state or federal law  
685 prescribes with whom the agency must contract or if the rate of  
686 payment is established during the appropriations process.

687        (10)~~(12)~~ If two equal responses to a solicitation or a  
688 request for quote are received and one response is from a  
689 certified minority business enterprise, the agency shall enter  
690 into a contract with the certified minority business enterprise.

691        (11)~~(13)~~ Extension of a contract for contractual services  
692 shall be in writing for a period not to exceed 6 months and  
693 shall be subject to the same terms and conditions set forth in  
694 the initial contract. There shall be only one extension of a  
695 contract unless the failure to meet the criteria set forth in  
696 the contract for completion of the contract is due to events  
697 beyond the control of the contractor.

698        (12)~~(14)~~(a) Contracts for commodities or contractual  
699 services may be renewed for a period that may not exceed 3 years  
700 or the term of the original contract, whichever period is  
701 longer. Renewal of a contract for commodities or contractual  
702 services shall be in writing and shall be subject to the same  
703 terms and conditions set forth in the initial contract. If the  
704 commodity or contractual service is purchased as a result of the  
705 solicitation of bids, proposals, or replies, the price of the  
706 commodity or contractual service to be renewed shall be  
707 specified in the bid, proposal, or reply. A renewal contract may

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708 not include any compensation for costs associated with the  
709 renewal. Renewals shall be contingent upon satisfactory  
710 performance evaluations by the agency and subject to the  
711 availability of funds. Exceptional purchase contracts pursuant  
712 to paragraphs (3)~~(5)~~ (a) and (c) may not be renewed. With the  
713 exception of subsection (11)~~(13)~~, if a contract amendment  
714 results in a longer contract term or increased payments, a state  
715 agency may not renew or amend a contract for the outsourcing of  
716 a service or activity that has an original term value exceeding  
717 the sum of \$10 million before submitting a written report  
718 concerning contract performance to the Governor, the President  
719 of the Senate, and the Speaker of the House of Representatives  
720 at least 90 days before execution of the renewal or amendment.

721 (b) The Department of Health shall enter into an  
722 agreement, not to exceed 20 years, with a private contractor to  
723 finance, design, and construct a hospital, of no more than 50  
724 beds, for the treatment of patients with active tuberculosis and  
725 to operate all aspects of daily operations within the facility.  
726 The contractor may sponsor the issuance of tax-exempt  
727 certificates of participation or other securities to finance the  
728 project, and the state may enter into a lease-purchase agreement  
729 for the facility. The department shall begin the implementation  
730 of this initiative by July 1, 2008. This paragraph expires July  
731 1, 2009.

732 (c) In addition to any renewal authorized under paragraph  
733 (a), contracts for community-based care lead agency services in  
734 accordance with s. 409.1671(1)(e) may be renewed once for a term  
735 not to exceed 5 years, provided that the lead agency currently

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736 under contract is in compliance with the performance, fiscal,  
737 and administrative standards established by the Department of  
738 Children and Family Services and the agency head determines that  
739 renewal of the contract without a competitive solicitation is in  
740 the best interests of the children and families served.

741 ~~(13)-(15)~~ For each contractual services contract, the  
742 agency shall designate an employee to function as contract  
743 manager who shall be responsible for enforcing performance of  
744 the contract terms and conditions and serve as a liaison with  
745 the contractor. The agency shall establish procedures to ensure  
746 that contractual services have been rendered in accordance with  
747 the contract terms prior to processing the invoice for payment.

748 ~~(14)-(16)~~ Each agency shall designate at least one employee  
749 who shall serve as a contract administrator responsible for  
750 maintaining a contract file and financial information on all  
751 contractual services contracts and who shall serve as a liaison  
752 with the contract managers and the department.

753 ~~(15)-(17)~~ For a contract in excess of the threshold amount  
754 provided in s. 287.017 for CATEGORY FOUR, the agency head shall  
755 appoint:

756 (a) At least three persons to evaluate proposals and  
757 replies who collectively have experience and knowledge in the  
758 program areas and service requirements for which commodities or  
759 contractual services are sought.

760 (b) At least three persons to conduct negotiations during  
761 a competitive sealed reply procurement who collectively have  
762 experience and knowledge in negotiating contracts, contract  
763 procurement, and the program areas and service requirements for  
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764 which commodities or contractual services are sought. When the  
765 value of a contract is in excess of \$1 million in any fiscal  
766 year, at least one of the persons conducting negotiations must  
767 be certified as a contract negotiator based upon rules adopted  
768 by the Department of Management Services in order to ensure that  
769 certified contract negotiators are knowledgeable about effective  
770 negotiation strategies, capable of successfully implementing  
771 those strategies, and involved appropriately in the procurement  
772 process. At a minimum, the rules must address the qualifications  
773 required for certification, the method of certification, and the  
774 procedure for involving the certified negotiator. If the value  
775 of a contract is in excess of \$10 million in any fiscal year, at  
776 least one of the persons conducting negotiations must be a  
777 Project Management Professional, as certified by the Project  
778 Management Institute.

779 (16) (a)1. Each agency must avoid, neutralize, or mitigate  
780 significant potential organizational conflicts of interest  
781 before a contract is awarded. If the agency elects to mitigate  
782 the significant potential organizational conflict or conflicts  
783 of interest, an adequate mitigation plan including  
784 organizational, physical, and electronic barriers shall be  
785 developed.

786 2. If a conflict cannot be avoided or mitigated, an agency  
787 is authorized to proceed with the contract award if the agency  
788 head certifies that the award is in the best interests of the  
789 state. The agency head must specify in writing the basis for the  
790 certification.

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

794 2. An unfair competitive advantage exists where the vendor  
795 competing for the award of a contract obtained:

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

798 b. Source selection information that is relevant to the  
799 contract but is not available to all competitors and that would  
800 assist the vendor in obtaining the contract.

801 3. An unfair competitive advantage does not exist as a  
802 result of the vendor acquiring expertise and having access to  
803 publicly available information as a result of performing the  
804 incumbent contract or another similar contract.

805 ~~(18) A person who receives a contract that has not been~~  
806 ~~procured pursuant to subsections (1) through (5) to perform a~~  
807 ~~feasibility study of the potential implementation of a~~  
808 ~~subsequent contract, who participates in the drafting of a~~  
809 ~~solicitation or who develops a program for future~~  
810 ~~implementation, is not eligible to contract with the agency for~~  
811 ~~any other contracts dealing with that specific subject matter,~~  
812 ~~and any firm in which such person has any interest is not~~  
813 ~~eligible to receive such contract. However, this prohibition~~  
814 ~~does not prevent a vendor who responds to a request for~~  
815 ~~information from being eligible to contract with an agency.~~

816 ~~(17)-(19)~~ Each agency shall establish a review and approval  
817 process for all contractual services contracts costing more than  
818 the threshold amount provided for in s. 287.017 for CATEGORY  
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819 THREE which shall include, but not be limited to, program,  
820 financial, and legal review and approval. Such reviews and  
821 approvals shall be obtained before the contract is executed.

822 ~~(18)(20)~~ In any procurement that costs more than the  
823 threshold amount provided for in s. 287.017 for CATEGORY TWO and  
824 is accomplished without competition, the individuals taking part  
825 in the development or selection of criteria for evaluation, the  
826 evaluation process, and the award process shall attest in  
827 writing that they are independent of, and have no conflict of  
828 interest in, the entities evaluated and selected.

829 ~~(19)(21)~~ Nothing in this section shall affect the validity  
830 or effect of any contract in existence on October 1, 1990.

831 ~~(20)(22)~~ An agency may contract for services with any  
832 independent, nonprofit college or university which is located  
833 within the state and is accredited by the Southern Association  
834 of Colleges and Schools, on the same basis as it may contract  
835 with any state university and college.

836 ~~(21)(23)~~ The department, in consultation with the Agency  
837 for Enterprise Information Technology and the Comptroller, shall  
838 develop a program for online procurement of commodities and  
839 contractual services. To enable the state to promote open  
840 competition and to leverage its buying power, agencies shall  
841 participate in the online procurement program, and eligible  
842 users may participate in the program. Only vendors prequalified  
843 as meeting mandatory requirements and qualifications criteria  
844 may participate in online procurement.

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845 (a) The department, in consultation with the agency, may  
846 contract for equipment and services necessary to develop and  
847 implement online procurement.

848 (b) The department, in consultation with the agency, shall  
849 adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
850 administer the program for online procurement. The rules shall  
851 include, but not be limited to:

852 1. Determining the requirements and qualification criteria  
853 for prequalifying vendors.

854 2. Establishing the procedures for conducting online  
855 procurement.

856 3. Establishing the criteria for eligible commodities and  
857 contractual services.

858 4. Establishing the procedures for providing access to  
859 online procurement.

860 5. Determining the criteria warranting any exceptions to  
861 participation in the online procurement program.

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

864 1. The fees may be imposed on an individual transaction  
865 basis or as a fixed percentage of the cost savings generated. At  
866 a minimum, the fees must be set in an amount sufficient to cover  
867 the projected costs of the services, including administrative  
868 and project service costs in accordance with the policies of the  
869 department.

870 2. If the department contracts with a provider for online  
871 procurement, the department, pursuant to appropriation, shall  
872 compensate the provider from the fees after the department has  
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873 satisfied all ongoing costs. The provider shall report  
874 transaction data to the department each month so that the  
875 department may determine the amount due and payable to the  
876 department from each vendor.

877 3. All fees that are due and payable to the state on a  
878 transactional basis or as a fixed percentage of the cost savings  
879 generated are subject to s. 215.31 and must be remitted within  
880 40 days after receipt of payment for which the fees are due. For  
881 fees that are not remitted within 40 days, the vendor shall pay  
882 interest at the rate established under s. 55.03(1) on the unpaid  
883 balance from the expiration of the 40-day period until the fees  
884 are remitted.

885 4. All fees and surcharges collected under this paragraph  
886 shall be deposited in the Operating Trust Fund as provided by  
887 law.

888 ~~(22)~~(24) Each solicitation for the procurement of  
889 commodities or contractual services shall include the following  
890 provision: "Respondents to this solicitation or persons acting  
891 on their behalf may not contact, between the release of the  
892 solicitation and the end of the 72-hour period following the  
893 agency posting the notice of intended award, excluding  
894 Saturdays, Sundays, and state holidays, any employee or officer  
895 of the executive or legislative branch concerning any aspect of  
896 this solicitation, except in writing to the procurement officer  
897 or as provided in the solicitation documents. Violation of this  
898 provision may be grounds for rejecting a response."

899 Section 6. Section 287.0571, Florida Statutes, is amended  
900 to read:

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901 287.0571 Business case to outsource; applicability ~~of ss.~~  
902 ~~287.0571-287.0574.-~~

903 ~~(1) Sections 287.0571-287.0574 may be cited as the~~  
904 ~~"Florida Efficient Government Act."~~

905 (1)~~(2)~~ It is the intent of the Legislature that each state  
906 agency focus on its core mission and deliver services  
907 effectively and efficiently by leveraging resources and  
908 contracting with private sector vendors whenever vendors can  
909 more effectively and efficiently provide services and reduce the  
910 cost of government.

911 (2)~~(3)~~ It is further the intent of the Legislature that  
912 business cases to outsource be evaluated for feasibility, cost-  
913 effectiveness, and efficiency before a state agency proceeds  
914 with any outsourcing of services.

915 (3)~~(4)~~ This section does ~~Sections 287.0571-287.0574 do~~ not  
916 apply to:

917 (a) A procurement of commodities and contractual services  
918 listed in s. 287.057 (3)~~(5)(e)~~, (f), and (g) and (20)~~(22)~~.

919 (b) A procurement of contractual services subject to s.  
920 287.055.

921 (c) A contract in support of the planning, development,  
922 implementation, operation, or maintenance of the road, bridge,  
923 and public transportation construction program of the Department  
924 of Transportation.

925 (d) A procurement of commodities or contractual services  
926 which does not constitute an outsourcing of services or  
927 activities.

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928       (4) An agency shall complete a business case for any  
929 outsourcing project with an expected cost in excess of \$10  
930 million within a single fiscal year. The business case shall be  
931 submitted pursuant to s. 216.023. The business case shall be  
932 available as part of the solicitation but is not subject to  
933 challenge and shall include the following:

934       (a) A detailed description of the service or activity for  
935 which the outsourcing is proposed.

936       (b) A description and analysis of the state agency's  
937 current performance, based on existing performance metrics if  
938 the state agency is currently performing the service or  
939 activity.

940       (c) The goals desired to be achieved through the proposed  
941 outsourcing and the rationale for such goals.

942       (d) A citation to the existing or proposed legal authority  
943 for outsourcing the service or activity.

944       (e) A description of available options for achieving the  
945 goals. If state employees are currently performing the service  
946 or activity, at least one option involving maintaining state  
947 provision of the service or activity shall be included.

948       (f) An analysis of the advantages and disadvantages of  
949 each option, including, at a minimum, potential performance  
950 improvements and risks.

951       (g) A description of the current market for the  
952 contractual services that are under consideration for  
953 outsourcing.

954       (h) A cost-benefit analysis documenting the direct and  
955 indirect specific baseline costs, savings, and qualitative and

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956 quantitative benefits involved in or resulting from the  
957 implementation of the recommended option or options. Such  
958 analysis must specify the schedule that, at a minimum, must be  
959 adhered to in order to achieve the estimated savings. All  
960 elements of cost must be clearly identified in the cost-benefit  
961 analysis, described in the business case, and supported by  
962 applicable records and reports. The state agency head shall  
963 attest that, based on the data and information underlying the  
964 business case, to the best of his or her knowledge, all  
965 projected costs, savings, and benefits are valid and achievable.  
966 As used in this section, the term "cost" means the reasonable,  
967 relevant, and verifiable cost, which may include, but is not  
968 limited to, elements such as personnel, materials and supplies,  
969 services, equipment, capital depreciation, rent, maintenance and  
970 repairs, utilities, insurance, personnel travel, overhead, and  
971 interim and final payments. The appropriate elements shall  
972 depend on the nature of the specific initiative. As used in this  
973 section, the term "savings" means the difference between the  
974 direct and indirect actual annual baseline costs compared to the  
975 projected annual cost for the contracted functions or  
976 responsibilities in any succeeding state fiscal year during the  
977 term of the contract.

978 (i) A description of differences among current state  
979 agency policies and processes and, as appropriate, a discussion  
980 of options for or a plan to standardize, consolidate, or revise  
981 current policies and processes, if any, to reduce the  
982 customization of any proposed solution that would otherwise be  
983 required.

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984 (j) A description of the specific performance standards  
985 that must, at a minimum, be met to ensure adequate performance.

986 (k) The projected timeframe for key events from the  
987 beginning of the procurement process through the expiration of a  
988 contract.

989 (l) A plan to ensure compliance with the public records  
990 law.

991 (m) A specific and feasible contingency plan addressing  
992 contractor nonperformance and a description of the tasks  
993 involved in and costs required for its implementation.

994 (n) A state agency's transition plan for addressing  
995 changes in the number of agency personnel, affected business  
996 processes, employee transition issues, and communication with  
997 affected stakeholders, such as agency clients and the public.  
998 The transition plan must contain a reemployment and retraining  
999 assistance plan for employees who are not retained by the state  
1000 agency or employed by the contractor.

1001 (o) A plan for ensuring access by persons with  
1002 disabilities in compliance with applicable state and federal  
1003 law.

1004 (5) In addition to the contract requirements provided in  
1005 s. 287.058, each contract for a proposed outsourcing, pursuant  
1006 to this section, must include, but need not be limited to, the  
1007 following contractual provisions:

1008 (a) A scope-of-work provision that clearly specifies each  
1009 service or deliverable to be provided, including a description  
1010 of each deliverable or activity that is quantifiable,  
1011 measurable, and verifiable. This provision must include a clause

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1012 that states if a particular service or deliverable is  
1013 inadvertently omitted or not clearly specified but determined to  
1014 be operationally necessary and verified to have been performed  
1015 by the agency within the 12 months before the execution of the  
1016 contract, such service or deliverable will be provided by the  
1017 contractor through the identified contract-amendment process.

1018 (b) A service-level-agreement provision describing all  
1019 services to be provided under the terms of the agreement, the  
1020 state agency's service requirements and performance objectives,  
1021 specific responsibilities of the state agency and the  
1022 contractor, and the process for amending any portion of the  
1023 service-level agreement. Each service-level agreement must  
1024 contain an exclusivity clause that allows the state agency to  
1025 retain the right to perform the service or activity, directly or  
1026 with another contractor, if service levels are not being  
1027 achieved.

1028 (c) A provision that identifies all associated costs,  
1029 specific payment terms, and payment schedules, including  
1030 provisions governing incentives and financial disincentives and  
1031 criteria governing payment.

1032 (d) A provision that identifies a clear and specific  
1033 transition plan that will be implemented in order to complete  
1034 all required activities needed to transfer the service or  
1035 activity from the state agency to the contractor and operate the  
1036 service or activity successfully.

1037 (e) A performance-standards provision that identifies all  
1038 required performance standards, which must include, at a  
1039 minimum:

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1040 1. Detailed and measurable acceptance criteria for each  
1041 deliverable and service to be provided to the state agency under  
1042 the terms of the contract which document the required  
1043 performance level.

1044 2. A method for monitoring and reporting progress in  
1045 achieving specified performance standards and levels.

1046 3. The sanctions or disincentives that shall be imposed  
1047 for nonperformance by the contractor or state agency.

1048 (f) A provision that requires the contractor and its  
1049 subcontractors to maintain adequate accounting records that  
1050 comply with all applicable federal and state laws and generally  
1051 accepted accounting principles.

1052 (g) A provision that authorizes the state agency to have  
1053 access to and to audit all records related to the contract and  
1054 subcontracts, or any responsibilities or functions under the  
1055 contract and subcontracts, for purposes of legislative  
1056 oversight, and a requirement for audits by a service  
1057 organization in accordance with professional auditing standards,  
1058 if appropriate.

1059 (h) A provision that requires the contractor to interview  
1060 and consider for employment with the contractor each displaced  
1061 state employee who is interested in such employment.

1062 (i) A contingency-plan provision that describes the  
1063 mechanism for continuing the operation of the service or  
1064 activity, including transferring the service or activity back to  
1065 the state agency or successor contractor if the contractor fails  
1066 to perform and comply with the performance standards and levels  
1067 of the contract and the contract is terminated.

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1068 (j) A provision that requires the contractor and its  
1069 subcontractors to comply with public records laws, specifically  
1070 to:

1071 1. Keep and maintain the public records that ordinarily  
1072 and necessarily would be required by the state agency in order  
1073 to perform the service or activity.

1074 2. Provide the public with access to such public records  
1075 on the same terms and conditions that the state agency would  
1076 provide the records and at a cost that does not exceed that  
1077 provided in chapter 119 or as otherwise provided by law.

1078 3. Ensure that records that are exempt or records that are  
1079 confidential and exempt are not disclosed except as authorized  
1080 by law.

1081 4. Meet all requirements for retaining records and  
1082 transfer to the state agency, at no cost, all public records in  
1083 possession of the contractor upon termination of the contract  
1084 and destroy any duplicate public records that are exempt or  
1085 confidential and exempt. All records stored electronically must  
1086 be provided to the state agency in a format that is compatible  
1087 with the information technology systems of the state agency.

1088 (k)1. A provision that provides that any copyrightable or  
1089 patentable intellectual property produced as a result of work or  
1090 services performed under the contract, or in any way connected  
1091 with the contract, shall be the property of the state, with only  
1092 such exceptions as are clearly expressed and reasonably valued  
1093 in the contract.

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1094 2. A provision that provides that, if the primary purpose  
1095 of the contract is the creation of intellectual property, the  
1096 state shall retain an unencumbered right to use such property.

1097 (1) If applicable, a provision that allows the agency to  
1098 purchase from the contractor, at its depreciated value, assets  
1099 used by the contractor in the performance of the contract. If  
1100 assets have not depreciated, the agency shall retain the right  
1101 to negotiate to purchase at an agreed-upon cost.

1102 Section 7. Section 287.05721, Florida Statutes, is  
1103 repealed.

1104 Section 8. Section 287.0575, Florida Statutes, is created  
1105 to read:

1106 287.0575 Coordination of contracted services.—The  
1107 following duties and responsibilities of the Department of  
1108 Children and Family Services, the Agency for Persons with  
1109 Disabilities, the Department of Health, the Department of  
1110 Elderly Affairs, and the Florida Department of Veterans Affairs,  
1111 and service providers under contract to those agencies, are  
1112 established:

1113 (1) No later than August 1, 2010, or upon entering into  
1114 any new contract for health and human services, state agencies  
1115 contracting for health and human services must notify their  
1116 contract service providers of the requirements of this section.

1117 (2) No later than October 1, 2010, contract service  
1118 providers that have more than one contract with one or more  
1119 state agencies to provide health and human services must provide  
1120 to each of their contract managers a comprehensive list of their

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1121 health and human services contracts. The list must include the  
1122 following information:

1123 (a) The name of each contracting state agency and the  
1124 applicable office or program issuing the contract.

1125 (b) The identifying name and number of each contract.

1126 (c) The starting and ending date of each contract.

1127 (d) The amount of each contract.

1128 (e) A brief description of the purpose of the contract and  
1129 the types of services provided under each contract.

1130 (f) The name and contact information of the contract  
1131 manager.

1132 (3) With respect to contracts entered into after August 1,  
1133 2010, effective November 1, 2010, or 30 days after receiving the  
1134 list provided under subsection (2), a single lead administrative  
1135 coordinator for each contract service provider shall be  
1136 designated as provided in this subsection from among the  
1137 agencies having multiple contracts as provided in subsection  
1138 (2). On or before the date such responsibilities are assumed,  
1139 the designated lead administrative coordinator shall provide  
1140 notice of his or her designation to the contract service  
1141 provider and to the agency contract managers for each affected  
1142 contract. Unless another lead administrative coordinator is  
1143 selected by agreement of all affected contract managers, the  
1144 designated lead administrative coordinator shall be the agency  
1145 contract manager of the contract with the highest dollar value  
1146 over the term of the contract, provided the term of the contract  
1147 remaining at the time of designation exceeds 24 months. If the  
1148 remaining terms of all contracts are 24 months or less, the

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1149 designated lead administrative coordinator shall be the contract  
1150 manager of the contract with the latest end date. A designated  
1151 lead administrative coordinator, or his or her successor as  
1152 contract manager, shall continue as lead administrative  
1153 coordinator until another lead administrative coordinator is  
1154 selected by agreement of all affected contract managers or until  
1155 the end date of the contract for which the designated lead  
1156 administrative coordinator serves as contract manager, at which  
1157 time a new lead administrative coordinator shall be designated  
1158 pursuant to this subsection if applicable.

1159 (4) The designated lead administrative coordinator shall  
1160 be responsible for:

1161 (a) Establishing a coordinated schedule for administrative  
1162 and fiscal monitoring;

1163 (b) Consulting with other case managers to establish a  
1164 single unified set of required administrative and fiscal  
1165 documentation;

1166 (c) Consulting with other case managers to establish a  
1167 single unified schedule for periodic updates of administrative  
1168 and fiscal information; and

1169 (d) Maintaining an accessible electronic file of up-to-  
1170 date administrative and fiscal documents, including, but not  
1171 limited to, corporate documents, membership records, audits, and  
1172 monitoring reports.

1173 (5) Contract managers for agency contracts other than the  
1174 designated lead administrative coordinator must conduct  
1175 administrative and fiscal monitoring activities in accordance  
1176 with the coordinated schedule and must obtain any necessary

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1177 administrative and fiscal documents from the designated lead  
1178 administrative coordinator's electronic file.

1179 (6) This section does not apply to routine program  
1180 performance monitoring or prohibit a contracting agency from  
1181 directly and immediately contacting the service provider when  
1182 the health or safety of clients is at risk.

1183 (7) Annually, each agency contracting for health and human  
1184 services shall evaluate the performance of its designated lead  
1185 administrative coordinator in establishing coordinated systems,  
1186 improving efficiency, and reducing redundant monitoring  
1187 activities for state agencies and their service providers. The  
1188 report shall be submitted to the Governor, the President of the  
1189 Senate and the Speaker of the House of Representatives.

1190 Section 9. Section 287.0573, Florida Statutes, is  
1191 repealed.

1192 Section 10. Section 287.0574, Florida Statutes, is  
1193 repealed.

1194 Section 11. Subsections (2) and (3) of section 283.32,  
1195 Florida Statutes, are amended to read:

1196 283.32 Recycled paper to be used by each agency; printing  
1197 bids certifying use of recycled paper; percentage preference in  
1198 awarding contracts.—

1199 (2) Each agency shall require a vendor that submits a bid  
1200 for a contract for printing ~~and that wishes to be considered for~~  
1201 ~~the price preference described in s. 287.045~~ to certify in  
1202 writing the percentage of recycled content of the material used  
1203 for such printing. Such vendor may certify that the material  
1204 contains no recycled content.

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1205 (3) Upon evaluation of bids for each printing contract,  
1206 the agency shall identify the lowest responsive bid and any  
1207 other responsive bids in which it has been certified that the  
1208 materials used in printing contain at least the minimum  
1209 percentage of recycled content that is set forth by the  
1210 department. ~~In awarding a contract for printing, the agency may~~  
1211 ~~allow up to a 10 percent price preference, as provided in s.~~  
1212 ~~287.045, to a responsible and responsive vendor that has~~  
1213 ~~certified that the materials used in printing contain at least~~  
1214 ~~the minimum percentage of recycled content established by the~~  
1215 ~~department.~~ If no vendors offer materials for printing that  
1216 contain the minimum prescribed recycled content, the contract  
1217 shall be awarded to the responsible vendor that submits the  
1218 lowest responsive bid.

1219 Section 12. Subsection (1) of section 403.7065, Florida  
1220 Statutes, is amended to read:

1221 403.7065 Procurement of products or materials with  
1222 recycled content.—

1223 (1) ~~Except as provided in s. 287.045,~~ Any state agency or  
1224 agency of a political subdivision of the state which is using  
1225 state funds, or any person contracting with any such agency with  
1226 respect to work performed under contract, is required to procure  
1227 products or materials with recycled content when the Department  
1228 of Management Services determines that those products or  
1229 materials are available. A decision not to procure such items  
1230 must be based on the Department of Management Services'  
1231 determination that such procurement is not reasonably available  
1232 within an acceptable period of time, fails to meet the

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1233 performance standards set forth in the applicable  
1234 specifications, or fails to meet the performance standards of  
1235 the agency. ~~When the requirements of s. 287.045 are met,~~  
1236 ~~agencies shall be subject to the procurement requirements of~~  
1237 ~~that section for procuring products or materials with recycled~~  
1238 ~~content.~~

1239 Section 13. Paragraph (d) of subsection (4) of section  
1240 14.204, Florida Statutes, is amended to read:

1241 14.204 Agency for Enterprise Information Technology.—The  
1242 Agency for Enterprise Information Technology is created within  
1243 the Executive Office of the Governor.

1244 (4) The agency shall have the following duties and  
1245 responsibilities:

1246 (d) Plan and establish policies for managing proposed  
1247 statutorily authorized enterprise information technology  
1248 services, which includes:

- 1249 1. Developing business cases that, when applicable,  
1250 include the components identified in s. 287.0571 ~~287.0574~~;
- 1251 2. Establishing and coordinating project-management teams;
- 1252 3. Establishing formal risk-assessment and mitigation  
1253 processes; and
- 1254 4. Providing for independent monitoring of projects for  
1255 recommended corrective actions.

1256 Section 14. Subsection (1) of section 43.16, Florida  
1257 Statutes, is amended to read:

1258 43.16 Justice Administrative Commission; membership,  
1259 powers and duties.—

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1260 (1) There is hereby created a Justice Administrative  
1261 Commission, with headquarters located in the state capital. The  
1262 necessary office space for use of the commission shall be  
1263 furnished by the proper state agency in charge of state  
1264 buildings. For purposes of the fees imposed on agencies pursuant  
1265 to s. 287.057 ~~(21)-(23)~~, the Justice Administrative Commission  
1266 shall be exempt from such fees.

1267 Section 15. Paragraph (e) of subsection (1) of section  
1268 61.1826, Florida Statutes, is amended to read:

1269 61.1826 Procurement of services for State Disbursement  
1270 Unit and the non-Title IV-D component of the State Case  
1271 Registry; contracts and cooperative agreements; penalties;  
1272 withholding payment.-

1273 (1) LEGISLATIVE FINDINGS.-The Legislature finds that the  
1274 clerks of court play a vital role, as essential participants in  
1275 the establishment, modification, collection, and enforcement of  
1276 child support, in securing the health, safety, and welfare of  
1277 the children of this state. The Legislature further finds and  
1278 declares that:

1279 (e) The potential loss of substantial federal funds poses  
1280 a direct and immediate threat to the health, safety, and welfare  
1281 of the children and citizens of the state and constitutes an  
1282 emergency for purposes of s. 287.057 ~~(3)-(5)~~ (a).

1283  
1284 For these reasons, the Legislature hereby directs the Department  
1285 of Revenue, subject to the provisions of subsection (5), to  
1286 contract with the Florida Association of Court Clerks and each  
1287 depository to perform duties with respect to the operation and  
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1288 maintenance of a State Disbursement Unit and the non-Title IV-D  
1289 component of the State Case Registry as further provided by this  
1290 section.

1291 Section 16. Paragraph (h) of subsection (1) of section  
1292 112.3215, Florida Statutes, is amended to read:

1293 112.3215 Lobbying before the executive branch or the  
1294 Constitution Revision Commission; registration and reporting;  
1295 investigation by commission.—

1296 (1) For the purposes of this section:

1297 (h) "Lobbyist" means a person who is employed and receives  
1298 payment, or who contracts for economic consideration, for the  
1299 purpose of lobbying, or a person who is principally employed for  
1300 governmental affairs by another person or governmental entity to  
1301 lobby on behalf of that other person or governmental entity.

1302 "Lobbyist" does not include a person who is:

1303 1. An attorney, or any person, who represents a client in  
1304 a judicial proceeding or in a formal administrative proceeding  
1305 conducted pursuant to chapter 120 or any other formal hearing  
1306 before an agency, board, commission, or authority of this state.

1307 2. An employee of an agency or of a legislative or  
1308 judicial branch entity acting in the normal course of his or her  
1309 duties.

1310 3. A confidential informant who is providing, or wishes to  
1311 provide, confidential information to be used for law enforcement  
1312 purposes.

1313 4. A person who lobbies to procure a contract pursuant to  
1314 chapter 287 which contract is less than the threshold for  
1315 CATEGORY ONE as provided in s. 287.017~~(1)(a)~~.

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1316 Section 17. Paragraph (h) of subsection (3) of section  
1317 255.25, Florida Statutes, is amended to read:

1318 255.25 Approval required prior to construction or lease of  
1319 buildings.—

1320 (3)

1321 (h) The Department of Management Services may, pursuant to  
1322 s. 287.042(2)(a), procure a term contract for real estate  
1323 consulting and brokerage services. A state agency may not  
1324 purchase services from the contract unless the contract has been  
1325 procured under s. 287.057(1), ~~(2), or (3)~~ after March 1, 2007,  
1326 and contains the following provisions or requirements:

1327 1. Awarded brokers must maintain an office or presence in  
1328 the market served. In awarding the contract, preference must be  
1329 given to brokers that are licensed in this state under chapter  
1330 475 and that have 3 or more years of experience in the market  
1331 served. The contract may be made with up to three tenant brokers  
1332 in order to serve the marketplace in the north, central, and  
1333 south areas of the state.

1334 2. Each contracted tenant broker shall work under the  
1335 direction, supervision, and authority of the state agency,  
1336 subject to the rules governing lease procurements.

1337 3. The department shall provide training for the awarded  
1338 tenant brokers concerning the rules governing the procurement of  
1339 leases.

1340 4. Tenant brokers must comply with all applicable  
1341 provisions of s. 475.278.

1342 5. Real estate consultants and tenant brokers shall be  
1343 compensated by the state agency, subject to the provisions of  
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1344 the term contract, and such compensation is subject to  
1345 appropriation by the Legislature. A real estate consultant or  
1346 tenant broker may not receive compensation directly from a  
1347 lessor for services that are rendered under the term contract.  
1348 Moneys paid to a real estate consultant or tenant broker are  
1349 exempt from any charge imposed under s. 287.1345. Moneys paid by  
1350 a lessor to the state agency under a facility leasing  
1351 arrangement are not subject to the charges imposed under s.  
1352 215.20. All terms relating to the compensation of the real  
1353 estate consultant or tenant broker shall be specified in the  
1354 term contract and may not be supplemented or modified by the  
1355 state agency using the contract.

1356 6. The department shall conduct periodic customer-  
1357 satisfaction surveys.

1358 7. Each state agency shall report the following  
1359 information to the department:

1360 a. The number of leases that adhere to the goal of the  
1361 workspace-management initiative of 180 square feet per FTE.

1362 b. The quality of space leased and the adequacy of tenant-  
1363 improvement funds.

1364 c. The timeliness of lease procurement, measured from the  
1365 date of the agency's request to the finalization of the lease.

1366 d. Whether cost-benefit analyses were performed before  
1367 execution of the lease in order to ensure that the lease is in  
1368 the best interest of the state.

1369 e. The lease costs compared to market rates for similar  
1370 types and classifications of space according to the official  
1371 classifications of the Building Owners and Managers Association.

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1372 Section 18. Paragraph (a) of subsection (2) of section  
1373 286.0113, Florida Statutes, is amended to read:

1374 286.0113 General exemptions from public meetings.—

1375 (2) (a) A meeting at which a negotiation with a vendor is  
1376 conducted pursuant to s. 287.057(1) ~~(3)~~ is exempt from s. 286.011  
1377 and s. 24(b), Art. I of the State Constitution.

1378 Section 19. Subsection (1) of section 287.022, Florida  
1379 Statutes, is amended to read:

1380 287.022 Purchase of insurance.—

1381 (1) Insurance, while not a commodity, nevertheless shall  
1382 be purchased for all agencies by the department, except that  
1383 agencies may purchase title insurance for land acquisition and  
1384 may make emergency purchases of insurance pursuant to s.  
1385 287.057(3) ~~(5)~~ (a). The procedures for purchasing insurance,  
1386 whether the purchase is made by the department or by the  
1387 agencies, shall be the same as those set forth herein for the  
1388 purchase of commodities.

1389 Section 20. Paragraph (f) of subsection (1) and subsection  
1390 (5) of section 287.058, Florida Statutes, are amended to read:

1391 287.058 Contract document.—

1392 (1) Every procurement of contractual services in excess of  
1393 the threshold amount provided in s. 287.017 for CATEGORY TWO,  
1394 except for the providing of health and mental health services or  
1395 drugs in the examination, diagnosis, or treatment of sick or  
1396 injured state employees or the providing of other benefits as  
1397 required by the provisions of chapter 440, shall be evidenced by  
1398 a written agreement embodying all provisions and conditions of  
1399 the procurement of such services, which provisions and

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1400 conditions shall, where applicable, include, but shall not be  
1401 limited to:

1402 (f) A provision specifying that the contract may be  
1403 renewed for a period that may not exceed 3 years or the term of  
1404 the original contract, whichever period is longer, specifying  
1405 the renewal price for the contractual service as set forth in  
1406 the bid, proposal, or reply, specifying that costs for the  
1407 renewal may not be charged, and specifying that renewals shall  
1408 be contingent upon satisfactory performance evaluations by the  
1409 agency and subject to the availability of funds. Exceptional  
1410 purchase contracts pursuant to s. 287.057 (3) ~~(5)~~ (a) and (c) may  
1411 not be renewed.

1412

1413 In lieu of a written agreement, the department may authorize the  
1414 use of a purchase order for classes of contractual services, if  
1415 the provisions of paragraphs (a)-(f) are included in the  
1416 purchase order or solicitation. The purchase order must include,  
1417 but need not be limited to, an adequate description of the  
1418 services, the contract period, and the method of payment. In  
1419 lieu of printing the provisions of paragraphs (a)-(f) in the  
1420 contract document or purchase order, agencies may incorporate  
1421 the requirements of paragraphs (a)-(f) by reference.

1422 (5) Unless otherwise provided in the General  
1423 Appropriations Act or the substantive bill implementing the  
1424 General Appropriations Act, the Chief Financial Officer may  
1425 waive the requirements of this section for services which are  
1426 included in s. 287.057 (3) ~~(5)~~ (f).

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1427 Section 21. Subsection (14) of section 287.059, Florida  
1428 Statutes, is amended to read:

1429 287.059 Private attorney services.—

1430 (14) The office of the Attorney General is authorized to  
1431 competitively bid and contract with one or more court reporting  
1432 services, on a circuitwide basis, on behalf of all state  
1433 agencies in accordance with s. 287.057~~(2)~~. The office of the  
1434 Attorney General shall develop requests for proposal for court  
1435 reporter services in consultation with the Florida Court  
1436 Reporters Association. All agencies shall utilize the contracts  
1437 for court reporting services entered into by the office of the  
1438 Attorney General where in force, unless otherwise ordered by a  
1439 court or unless an agency has a contract for court reporting  
1440 services executed prior to May 5, 1993.

1441 Section 22. Paragraph (b) of subsection (4) of section  
1442 295.187, Florida Statutes, is amended to read:

1443 295.187 Florida Service-Disabled Veteran Business  
1444 Enterprise Opportunity Act.—

1445 (4) VENDOR PREFERENCE.—

1446 (b) Notwithstanding s. 287.057~~(10)~~~~(12)~~, if a service-  
1447 disabled veteran business enterprise entitled to the vendor  
1448 preference under this section and one or more businesses  
1449 entitled to this preference or another vendor preference  
1450 provided by law submit bids, proposals, or replies for  
1451 procurement of commodities or contractual services that are  
1452 equal with respect to all relevant considerations, including  
1453 price, quality, and service, then the state agency shall award

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1454 the procurement or contract to the business having the smallest  
1455 net worth.

1456 Section 23. Subsection (3) of section 394.457, Florida  
1457 Statutes, is amended to read:

1458 394.457 Operation and administration.—

1459 (3) POWER TO CONTRACT.—The department may contract to  
1460 provide, and be provided with, services and facilities in order  
1461 to carry out its responsibilities under this part with the  
1462 following agencies: public and private hospitals; receiving and  
1463 treatment facilities; clinics; laboratories; departments,  
1464 divisions, and other units of state government; the state  
1465 colleges and universities; the community colleges; private  
1466 colleges and universities; counties, municipalities, and any  
1467 other governmental unit, including facilities of the United  
1468 States Government; and any other public or private entity which  
1469 provides or needs facilities or services. Baker Act funds for  
1470 community inpatient, crisis stabilization, short-term  
1471 residential treatment, and screening services must be allocated  
1472 to each county pursuant to the department's funding allocation  
1473 methodology. Notwithstanding the provisions of s.

1474 287.057 ~~(3)(5)~~(f), contracts for community-based Baker Act  
1475 services for inpatient, crisis stabilization, short-term  
1476 residential treatment, and screening provided under this part,  
1477 other than those with other units of government, to be provided  
1478 for the department must be awarded using competitive sealed bids  
1479 when the county commission of the county receiving the services  
1480 makes a request to the department's district office by January  
1481 15 of the contracting year. The district shall not enter into a

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1482 competitively bid contract under this provision if such action  
1483 will result in increases of state or local expenditures for  
1484 Baker Act services within the district. Contracts for these  
1485 Baker Act services using competitive sealed bids will be  
1486 effective for 3 years. The department shall adopt rules  
1487 establishing minimum standards for such contracted services and  
1488 facilities and shall make periodic audits and inspections to  
1489 assure that the contracted services are provided and meet the  
1490 standards of the department.

1491 Section 24. Paragraph (a) of subsection (1) of section  
1492 394.47865, Florida Statutes, is amended to read:

1493 394.47865 South Florida State Hospital; privatization.—

1494 (1) The Department of Children and Family Services shall,  
1495 through a request for proposals, privatize South Florida State  
1496 Hospital. The department shall plan to begin implementation of  
1497 this privatization initiative by July 1, 1998.

1498 (a) Notwithstanding s. 287.057(12)(14), the department may  
1499 enter into agreements, not to exceed 20 years, with a private  
1500 provider, a coalition of providers, or another agency to  
1501 finance, design, and construct a treatment facility having up to  
1502 350 beds and to operate all aspects of daily operations within  
1503 the facility. The department may subcontract any or all  
1504 components of this procurement to a statutorily established  
1505 state governmental entity that has successfully contracted with  
1506 private companies for designing, financing, acquiring, leasing,  
1507 constructing, and operating major privatized state facilities.

1508 Section 25. Paragraph (c) of subsection (5) and subsection  
1509 (8) of section 402.40, Florida Statutes, are amended to read:

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1510 402.40 Child welfare training.—

1511 (5) CORE COMPETENCIES.—

1512 (c) Notwithstanding s. 287.057~~(3)-(5)~~ and ~~(20)-(22)~~, the  
1513 department shall competitively solicit and contract for the  
1514 development, validation, and periodic evaluation of the training  
1515 curricula for the established single integrated curriculum. No  
1516 more than one training curriculum may be developed for each  
1517 specific subset of the core competencies.

1518 (8) ESTABLISHMENT OF TRAINING ACADEMIES.—The department  
1519 shall establish child welfare training academies as part of a  
1520 comprehensive system of child welfare training. In establishing  
1521 a program of training, the department may contract for the  
1522 operation of one or more training academies to perform one or  
1523 more of the following: to offer one or more of the training  
1524 curricula developed under subsection (5); to administer the  
1525 certification process; to develop, validate, and periodically  
1526 evaluate additional training curricula determined to be  
1527 necessary, including advanced training that is specific to a  
1528 region or contractor, or that meets a particular training need;  
1529 or to offer the additional training curricula. The number,  
1530 location, and timeframe for establishment of training academies  
1531 shall be approved by the Secretary of Children and Family  
1532 Services who shall ensure that the goals for the core  
1533 competencies and the single integrated curriculum, the  
1534 certification process, the trainer qualifications, and the  
1535 additional training needs are addressed. Notwithstanding s.  
1536 287.057~~(3)-(5)~~ and ~~(20)-(22)~~, the department shall competitively  
1537 solicit all training academy contracts.

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1538 Section 26. Paragraphs (a) and (b) of subsection (2) and  
1539 subsection (3) of section 402.7305, Florida Statutes, are  
1540 amended to read:

1541 402.7305 Department of Children and Family Services;  
1542 procurement of contractual services; contract management.-

1543 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

1544 (a) Notwithstanding s. 287.057(3)(f)11. ~~s.~~  
1545 ~~287.057(5)(f)13.~~, whenever the department intends to contract  
1546 with a public postsecondary institution to provide a service,  
1547 the department must allow all public postsecondary institutions  
1548 in this state that are accredited by the Southern Association of  
1549 Colleges and Schools to bid on the contract. Thereafter,  
1550 notwithstanding any other provision to the contrary, if a public  
1551 postsecondary institution intends to subcontract for any service  
1552 awarded in the contract, the subcontracted service must be  
1553 procured by competitive procedures.

1554 (b) When it is in the best interest of a defined segment  
1555 of its consumer population, the department may competitively  
1556 procure and contract for systems of treatment or service that  
1557 involve multiple providers, rather than procuring and  
1558 contracting for treatment or services separately from each  
1559 participating provider. The department must ensure that all  
1560 providers that participate in the treatment or service system  
1561 meet all applicable statutory, regulatory, service quality, and  
1562 cost control requirements. If other governmental entities or  
1563 units of special purpose government contribute matching funds to  
1564 the support of a given system of treatment or service, the  
1565 department shall formally request information from those funding  
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1566 entities in the procurement process and may take the information  
1567 received into account in the selection process. If a local  
1568 government contributes matching funds to support the system of  
1569 treatment or contracted service and if the match constitutes at  
1570 least 25 percent of the value of the contract, the department  
1571 shall afford the governmental match contributor an opportunity  
1572 to name an employee as one of the persons required by s.

1573 287.057 (15) ~~(17)~~ to evaluate or negotiate certain contracts,  
1574 unless the department sets forth in writing the reason why the  
1575 inclusion would be contrary to the best interest of the state.  
1576 Any employee so named by the governmental match contributor  
1577 shall qualify as one of the persons required by s.

1578 287.057 (15) ~~(17)~~. A governmental entity or unit of special  
1579 purpose government may not name an employee as one of the  
1580 persons required by s. 287.057 (15) ~~(17)~~ if it, or any of its  
1581 political subdivisions, executive agencies, or special  
1582 districts, intends to compete for the contract to be awarded.  
1583 The governmental funding entity or contributor of matching funds  
1584 must comply with all procurement procedures set forth in s.  
1585 287.057 when appropriate and required.

1586 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The  
1587 Department of Children and Family Services shall review the time  
1588 period for which the department executes contracts and shall  
1589 execute multiyear contracts to make the most efficient use of  
1590 the resources devoted to contract processing and execution.  
1591 Whenever the department chooses not to use a multiyear contract,  
1592 a justification for that decision must be contained in the  
1593 contract. Notwithstanding s. 287.057 (13) ~~(15)~~, the department is  
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1594 responsible for establishing a contract management process that  
1595 requires a member of the department's Senior Management or  
1596 Selected Exempt Service to assign in writing the responsibility  
1597 of a contract to a contract manager. The department shall  
1598 maintain a set of procedures describing its contract management  
1599 process which must minimally include the following requirements:

1600 (a) The contract manager shall maintain the official  
1601 contract file throughout the duration of the contract and for a  
1602 period not less than 6 years after the termination of the  
1603 contract.

1604 (b) The contract manager shall review all invoices for  
1605 compliance with the criteria and payment schedule provided for  
1606 in the contract and shall approve payment of all invoices before  
1607 their transmission to the Department of Financial Services for  
1608 payment.

1609 (c) The contract manager shall maintain a schedule of  
1610 payments and total amounts disbursed and shall periodically  
1611 reconcile the records with the state's official accounting  
1612 records.

1613 (d) For contracts involving the provision of direct client  
1614 services, the contract manager shall periodically visit the  
1615 physical location where the services are delivered and speak  
1616 directly to clients receiving the services and the staff  
1617 responsible for delivering the services.

1618 (e) The contract manager shall meet at least once a month  
1619 directly with the contractor's representative and maintain  
1620 records of such meetings.

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1621 (f) The contract manager shall periodically document any  
1622 differences between the required performance measures and the  
1623 actual performance measures. If a contractor fails to meet and  
1624 comply with the performance measures established in the  
1625 contract, the department may allow a reasonable period for the  
1626 contractor to correct performance deficiencies. If performance  
1627 deficiencies are not resolved to the satisfaction of the  
1628 department within the prescribed time, and if no extenuating  
1629 circumstances can be documented by the contractor to the  
1630 department's satisfaction, the department must terminate the  
1631 contract. The department may not enter into a new contract with  
1632 that same contractor for the services for which the contract was  
1633 previously terminated for a period of at least 24 months after  
1634 the date of termination. The contract manager shall obtain and  
1635 enforce corrective action plans, if appropriate, and maintain  
1636 records regarding the completion or failure to complete  
1637 corrective action items.

1638 (g) The contract manager shall document any contract  
1639 modifications, which shall include recording any contract  
1640 amendments as provided for in this section.

1641 (h) The contract manager shall be properly trained before  
1642 being assigned responsibility for any contract.

1643 Section 27. Subsection (2) of section 408.045, Florida  
1644 Statutes, is amended to read:

1645 408.045 Certificate of need; competitive sealed  
1646 proposals.—

1647 (2) The agency shall make a decision regarding the  
1648 issuance of the certificate of need in accordance with the  
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1649 provisions of s. 287.057 (15) ~~(17)~~, rules adopted by the agency  
1650 relating to intermediate care facilities for the developmentally  
1651 disabled, and the criteria in s. 408.035, as further defined by  
1652 rule.

1653 Section 28. Subsection (3) of section 427.0135, Florida  
1654 Statutes, is amended to read:

1655 427.0135 Purchasing agencies; duties and  
1656 responsibilities.—Each purchasing agency, in carrying out the  
1657 policies and procedures of the commission, shall:

1658 (3) Not procure transportation disadvantaged services  
1659 without initially negotiating with the commission, as provided  
1660 in s. 287.057(3)(f)11. ~~s. 287.057(5)(f)13.~~, or unless otherwise  
1661 authorized by statute. If the purchasing agency, after  
1662 consultation with the commission, determines that it cannot  
1663 reach mutually acceptable contract terms with the commission,  
1664 the purchasing agency may contract for the same transportation  
1665 services provided in a more cost-effective manner and of  
1666 comparable or higher quality and standards. The Medicaid agency  
1667 shall implement this subsection in a manner consistent with s.  
1668 409.908(18) and as otherwise limited or directed by the General  
1669 Appropriations Act.

1670 Section 29. Paragraph (c) of subsection (5) of section  
1671 445.024, Florida Statutes, is amended to read:

1672 445.024 Work requirements.—

1673 (5) USE OF CONTRACTS.—Regional workforce boards shall  
1674 provide work activities, training, and other services, as  
1675 appropriate, through contracts. In contracting for work  
1676 activities, training, or services, the following applies:

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1677 (c) Notwithstanding the exemption from the competitive  
1678 sealed bid requirements provided in s. 287.057(3)(5)(f) for  
1679 certain contractual services, each contract awarded under this  
1680 chapter must be awarded on the basis of a competitive sealed  
1681 bid, except for a contract with a governmental entity as  
1682 determined by the regional workforce board.

1683 Section 30. Paragraph (b) of subsection (3) of section  
1684 481.205, Florida Statutes, is amended to read:

1685 481.205 Board of Architecture and Interior Design.—

1686 (3)

1687 (b) The board shall contract with a corporation or other  
1688 business entity pursuant to s. 287.057(3) to provide  
1689 investigative, legal, prosecutorial, and other services  
1690 necessary to perform its duties.

1691 Section 31. Subsection (41) of section 570.07, Florida  
1692 Statutes, is amended to read:

1693 570.07 Department of Agriculture and Consumer Services;  
1694 functions, powers, and duties.—The department shall have and  
1695 exercise the following functions, powers, and duties:

1696 (41) Notwithstanding the provisions of s. 287.057(21)(23)  
1697 that require all agencies to use the online procurement system  
1698 developed by the Department of Management Services, the  
1699 department may continue to use its own online system. However,  
1700 vendors utilizing such system shall be prequalified as meeting  
1701 mandatory requirements and qualifications and shall remit fees  
1702 pursuant to s. 287.057(21)(23), and any rules implementing s.  
1703 287.057.

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1704 Section 32. Paragraph (c) of subsection (5) of section  
1705 627.311, Florida Statutes, is amended to read:

1706 627.311 Joint underwriters and joint reinsurers; public  
1707 records and public meetings exemptions.—

1708 (5)

1709 (c) The operation of the plan shall be governed by a plan  
1710 of operation that is prepared at the direction of the board of  
1711 governors and approved by order of the office. The plan is  
1712 subject to continuous review by the office. The office may, by  
1713 order, withdraw approval of all or part of a plan if the office  
1714 determines that conditions have changed since approval was  
1715 granted and that the purposes of the plan require changes in the  
1716 plan. The plan of operation shall:

1717 1. Authorize the board to engage in the activities  
1718 necessary to implement this subsection, including, but not  
1719 limited to, borrowing money.

1720 2. Develop criteria for eligibility for coverage by the  
1721 plan, including, but not limited to, documented rejection by at  
1722 least two insurers which reasonably assures that insureds  
1723 covered under the plan are unable to acquire coverage in the  
1724 voluntary market.

1725 3. Require notice from the agent to the insured at the  
1726 time of the application for coverage that the application is for  
1727 coverage with the plan and that coverage may be available  
1728 through an insurer, group self-insurers' fund, commercial self-  
1729 insurance fund, or assessable mutual insurer through another  
1730 agent at a lower cost.

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1731 4. Establish programs to encourage insurers to provide  
1732 coverage to applicants of the plan in the voluntary market and  
1733 to insureds of the plan, including, but not limited to:

1734 a. Establishing procedures for an insurer to use in  
1735 notifying the plan of the insurer's desire to provide coverage  
1736 to applicants to the plan or existing insureds of the plan and  
1737 in describing the types of risks in which the insurer is  
1738 interested. The description of the desired risks must be on a  
1739 form developed by the plan.

1740 b. Developing forms and procedures that provide an insurer  
1741 with the information necessary to determine whether the insurer  
1742 wants to write particular applicants to the plan or insureds of  
1743 the plan.

1744 c. Developing procedures for notice to the plan and the  
1745 applicant to the plan or insured of the plan that an insurer  
1746 will insure the applicant or the insured of the plan, and notice  
1747 of the cost of the coverage offered; and developing procedures  
1748 for the selection of an insuring entity by the applicant or  
1749 insured of the plan.

1750 d. Provide for a market-assistance plan to assist in the  
1751 placement of employers. All applications for coverage in the  
1752 plan received 45 days before the effective date for coverage  
1753 shall be processed through the market-assistance plan. A market-  
1754 assistance plan specifically designed to serve the needs of  
1755 small, good policyholders as defined by the board must be  
1756 reviewed and updated periodically.

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1757 5. Provide for policy and claims services to the insureds  
1758 of the plan of the nature and quality provided for insureds in  
1759 the voluntary market.

1760 6. Provide for the review of applications for coverage  
1761 with the plan for reasonableness and accuracy, using any  
1762 available historic information regarding the insured.

1763 7. Provide for procedures for auditing insureds of the  
1764 plan which are based on reasonable business judgment and are  
1765 designed to maximize the likelihood that the plan will collect  
1766 the appropriate premiums.

1767 8. Authorize the plan to terminate the coverage of and  
1768 refuse future coverage for any insured that submits a fraudulent  
1769 application to the plan or provides fraudulent or grossly  
1770 erroneous records to the plan or to any service provider of the  
1771 plan in conjunction with the activities of the plan.

1772 9. Establish service standards for agents who submit  
1773 business to the plan.

1774 10. Establish criteria and procedures to prohibit any  
1775 agent who does not adhere to the established service standards  
1776 from placing business with the plan or receiving, directly or  
1777 indirectly, any commissions for business placed with the plan.

1778 11. Provide for the establishment of reasonable safety  
1779 programs for all insureds in the plan. All insureds of the plan  
1780 must participate in the safety program.

1781 12. Authorize the plan to terminate the coverage of and  
1782 refuse future coverage to any insured who fails to pay premiums  
1783 or surcharges when due; who, at the time of application, is  
1784 delinquent in payments of workers' compensation or employer's  
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1785 liability insurance premiums or surcharges owed to an insurer,  
1786 group self-insurers' fund, commercial self-insurance fund, or  
1787 assessable mutual insurer licensed to write such coverage in  
1788 this state; or who refuses to substantially comply with any  
1789 safety programs recommended by the plan.

1790 13. Authorize the board of governors to provide the goods  
1791 and services required by the plan through staff employed by the  
1792 plan, through reasonably compensated service providers who  
1793 contract with the plan to provide services as specified by the  
1794 board of governors, or through a combination of employees and  
1795 service providers.

1796 a. Purchases that equal or exceed \$2,500 but are less than  
1797 or equal to \$25,000, shall be made by receipt of written quotes,  
1798 telephone quotes, or informal bids, whenever practical. The  
1799 procurement of goods or services valued over \$25,000 is subject  
1800 to competitive solicitation, except in situations in which the  
1801 goods or services are provided by a sole source or are deemed an  
1802 emergency purchase, or the services are exempted from  
1803 competitive-solicitation requirements under s. 287.057 (3) ~~(5)~~ (f).  
1804 Justification for the sole-sourcing or emergency procurement  
1805 must be documented. Contracts for goods or services valued at or  
1806 over \$100,000 are subject to board approval.

1807 b. The board shall determine whether it is more cost-  
1808 effective and in the best interests of the plan to use legal  
1809 services provided by in-house attorneys employed by the plan  
1810 rather than contracting with outside counsel. In making such  
1811 determination, the board shall document its findings and shall  
1812 consider the expertise needed; whether time commitments exceed  
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1813 in-house staff resources; whether local representation is  
1814 needed; the travel, lodging, and other costs associated with in-  
1815 house representation; and such other factors that the board  
1816 determines are relevant.

1817 14. Provide for service standards for service providers,  
1818 methods of determining adherence to those service standards,  
1819 incentives and disincentives for service, and procedures for  
1820 terminating contracts for service providers that fail to adhere  
1821 to service standards.

1822 15. Provide procedures for selecting service providers and  
1823 standards for qualification as a service provider that  
1824 reasonably assure that any service provider selected will  
1825 continue to operate as an ongoing concern and is capable of  
1826 providing the specified services in the manner required.

1827 16. Provide for reasonable accounting and data-reporting  
1828 practices.

1829 17. Provide for annual review of costs associated with the  
1830 administration and servicing of the policies issued by the plan  
1831 to determine alternatives by which costs can be reduced.

1832 18. Authorize the acquisition of such excess insurance or  
1833 reinsurance as is consistent with the purposes of the plan.

1834 19. Provide for an annual report to the office on a date  
1835 specified by the office and containing such information as the  
1836 office reasonably requires.

1837 20. Establish multiple rating plans for various  
1838 classifications of risk which reflect risk of loss, hazard  
1839 grade, actual losses, size of premium, and compliance with loss  
1840 control. At least one of such plans must be a preferred-rating  
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1841 plan to accommodate small-premium policyholders with good  
1842 experience as defined in sub-subparagraph 22.a.

1843 21. Establish agent commission schedules.

1844 22. For employers otherwise eligible for coverage under  
1845 the plan, establish three tiers of employers meeting the  
1846 criteria and subject to the rate limitations specified in this  
1847 subparagraph.

1848 a. Tier One.—

1849 (I) Criteria; rated employers.—An employer that has an  
1850 experience modification rating shall be included in Tier One if  
1851 the employer meets all of the following:

1852 (A) The experience modification is below 1.00.

1853 (B) The employer had no lost-time claims subsequent to the  
1854 applicable experience modification rating period.

1855 (C) The total of the employer's medical-only claims  
1856 subsequent to the applicable experience modification rating  
1857 period did not exceed 20 percent of premium.

1858 (II) Criteria; non-rated employers.—An employer that does  
1859 not have an experience modification rating shall be included in  
1860 Tier One if the employer meets all of the following:

1861 (A) The employer had no lost-time claims for the 3-year  
1862 period immediately preceding the inception date or renewal date  
1863 of the employer's coverage under the plan.

1864 (B) The total of the employer's medical-only claims for  
1865 the 3-year period immediately preceding the inception date or  
1866 renewal date of the employer's coverage under the plan did not  
1867 exceed 20 percent of premium.

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1868 (C) The employer has secured workers' compensation  
1869 coverage for the entire 3-year period immediately preceding the  
1870 inception date or renewal date of the employer's coverage under  
1871 the plan.

1872 (D) The employer is able to provide the plan with a loss  
1873 history generated by the employer's prior workers' compensation  
1874 insurer, except if the employer is not able to produce a loss  
1875 history due to the insolvency of an insurer, the receiver shall  
1876 provide to the plan, upon the request of the employer or the  
1877 employer's agent, a copy of the employer's loss history from the  
1878 records of the insolvent insurer if the loss history is  
1879 contained in records of the insurer which are in the possession  
1880 of the receiver. If the receiver is unable to produce the loss  
1881 history, the employer may, in lieu of the loss history, submit  
1882 an affidavit from the employer and the employer's insurance  
1883 agent setting forth the loss history.

1884 (E) The employer is not a new business.

1885 (III) Premiums.—The premiums for Tier One insureds shall  
1886 be set at a premium level 25 percent above the comparable  
1887 voluntary market premiums until the plan has sufficient  
1888 experience as determined by the board to establish an  
1889 actuarially sound rate for Tier One, at which point the board  
1890 shall, subject to paragraph (e), adjust the rates, if necessary,  
1891 to produce actuarially sound rates, provided such rate  
1892 adjustment shall not take effect prior to January 1, 2007.

1893 b. Tier Two.—

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1894 (I) Criteria; rated employers.—An employer that has an  
1895 experience modification rating shall be included in Tier Two if  
1896 the employer meets all of the following:

1897 (A) The experience modification is equal to or greater  
1898 than 1.00 but not greater than 1.10.

1899 (B) The employer had no lost-time claims subsequent to the  
1900 applicable experience modification rating period.

1901 (C) The total of the employer's medical-only claims  
1902 subsequent to the applicable experience modification rating  
1903 period did not exceed 20 percent of premium.

1904 (II) Criteria; non-rated employers.—An employer that does  
1905 not have any experience modification rating shall be included in  
1906 Tier Two if the employer is a new business. An employer shall be  
1907 included in Tier Two if the employer has less than 3 years of  
1908 loss experience in the 3-year period immediately preceding the  
1909 inception date or renewal date of the employer's coverage under  
1910 the plan and the employer meets all of the following:

1911 (A) The employer had no lost-time claims for the 3-year  
1912 period immediately preceding the inception date or renewal date  
1913 of the employer's coverage under the plan.

1914 (B) The total of the employer's medical-only claims for  
1915 the 3-year period immediately preceding the inception date or  
1916 renewal date of the employer's coverage under the plan did not  
1917 exceed 20 percent of premium.

1918 (C) The employer is able to provide the plan with a loss  
1919 history generated by the workers' compensation insurer that  
1920 provided coverage for the portion or portions of such period  
1921 during which the employer had secured workers' compensation

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1922 coverage, except if the employer is not able to produce a loss  
1923 history due to the insolvency of an insurer, the receiver shall  
1924 provide to the plan, upon the request of the employer or the  
1925 employer's agent, a copy of the employer's loss history from the  
1926 records of the insolvent insurer if the loss history is  
1927 contained in records of the insurer which are in the possession  
1928 of the receiver. If the receiver is unable to produce the loss  
1929 history, the employer may, in lieu of the loss history, submit  
1930 an affidavit from the employer and the employer's insurance  
1931 agent setting forth the loss history.

1932 (III) Premiums.—The premiums for Tier Two insureds shall  
1933 be set at a rate level 50 percent above the comparable voluntary  
1934 market premiums until the plan has sufficient experience as  
1935 determined by the board to establish an actuarially sound rate  
1936 for Tier Two, at which point the board shall, subject to  
1937 paragraph (e), adjust the rates, if necessary, to produce  
1938 actuarially sound rates, provided such rate adjustment shall not  
1939 take effect prior to January 1, 2007.

1940 c. Tier Three.—

1941 (I) Eligibility.—An employer shall be included in Tier  
1942 Three if the employer does not meet the criteria for Tier One or  
1943 Tier Two.

1944 (II) Rates.—The board shall establish, subject to  
1945 paragraph (e), and the plan shall charge, actuarially sound  
1946 rates for Tier Three insureds.

1947 23. For Tier One or Tier Two employers which employ no  
1948 nonexempt employees or which report payroll which is less than  
1949 the minimum wage hourly rate for one full-time employee for 1  
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1950 year at 40 hours per week, the plan shall establish actuarially  
1951 sound premiums, provided, however, that the premiums may not  
1952 exceed \$2,500. These premiums shall be in addition to the fee  
1953 specified in subparagraph 26. When the plan establishes  
1954 actuarially sound rates for all employers in Tier One and Tier  
1955 Two, the premiums for employers referred to in this paragraph  
1956 are no longer subject to the \$2,500 cap.

1957 24. Provide for a depopulation program to reduce the  
1958 number of insureds in the plan. If an employer insured through  
1959 the plan is offered coverage from a voluntary market carrier:  
1960 a. During the first 30 days of coverage under the plan;  
1961 b. Before a policy is issued under the plan;  
1962 c. By issuance of a policy upon expiration or cancellation  
1963 of the policy under the plan; or  
1964 d. By assumption of the plan's obligation with respect to  
1965 an in-force policy,

1966  
1967 that employer is no longer eligible for coverage through the  
1968 plan. The premium for risks assumed by the voluntary market  
1969 carrier must be no greater than the premium the insured would  
1970 have paid under the plan, and shall be adjusted upon renewal to  
1971 reflect changes in the plan rates and the tier for which the  
1972 insured would qualify as of the time of renewal. The insured may  
1973 be charged such premiums only for the first 3 years of coverage  
1974 in the voluntary market. A premium under this subparagraph is  
1975 deemed approved and is not an excess premium for purposes of s.  
1976 627.171.

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1977 25. Require that policies issued and applications must  
1978 include a notice that the policy could be replaced by a policy  
1979 issued from a voluntary market carrier and that, if an offer of  
1980 coverage is obtained from a voluntary market carrier, the  
1981 policyholder is no longer eligible for coverage through the  
1982 plan. The notice must also specify that acceptance of coverage  
1983 under the plan creates a conclusive presumption that the  
1984 applicant or policyholder is aware of this potential.

1985 26. Require that each application for coverage and each  
1986 renewal premium be accompanied by a nonrefundable fee of \$475 to  
1987 cover costs of administration and fraud prevention. The board  
1988 may, with the prior approval of the office, increase the amount  
1989 of the fee pursuant to a rate filing to reflect increased costs  
1990 of administration and fraud prevention. The fee is not subject  
1991 to commission and is fully earned upon commencement of coverage.

1992 Section 33. Paragraph (e) of subsection (6) of section  
1993 627.351, Florida Statutes, is amended to read:

1994 627.351 Insurance risk apportionment plans.—

1995 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1996 (e) Purchases that equal or exceed \$2,500, but are less  
1997 than \$25,000, shall be made by receipt of written quotes,  
1998 written record of telephone quotes, or informal bids, whenever  
1999 practical. The procurement of goods or services valued at or  
2000 over \$25,000 shall be subject to competitive solicitation,  
2001 except in situations where the goods or services are provided by  
2002 a sole source or are deemed an emergency purchase; the services  
2003 are exempted from competitive solicitation requirements under s.  
2004 287.057(3) ~~(5)~~(f); or the procurement of services is subject to  
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2005 s. 627.3513. Justification for the sole-sourcing or emergency  
2006 procurement must be documented. Contracts for goods or services  
2007 valued at or over \$100,000 are subject to approval by the board.

2008 Section 34. Subsection (2) of section 765.5155, Florida  
2009 Statutes, is amended to read:

2010 765.5155 Donor registry; education program.—

2011 (2) The agency and the department shall jointly contract  
2012 for the operation of a donor registry and education program. The  
2013 contractor shall be procured by competitive solicitation  
2014 pursuant to chapter 287, notwithstanding any exemption in s.  
2015 287.057 (3) ~~(5)~~ (f). When awarding the contract, priority shall be  
2016 given to existing nonprofit groups that are based within the  
2017 state, have expertise working with procurement organizations,  
2018 have expertise in conducting statewide organ and tissue donor  
2019 public education campaigns, and represent the needs of the organ  
2020 and tissue donation community in the state.

2021 Section 35. Subsection (10) of section 893.055, Florida  
2022 Statutes, is amended to read:

2023 893.055 Prescription drug monitoring program.—

2024 (10) All costs incurred by the department in administering  
2025 the prescription drug monitoring program shall be funded through  
2026 federal grants or private funding applied for or received by the  
2027 state. The department may not commit funds for the monitoring  
2028 program without ensuring funding is available. The prescription  
2029 drug monitoring program and the implementation thereof are  
2030 contingent upon receipt of the nonstate funding. The department  
2031 and state government shall cooperate with the direct-support  
2032 organization established pursuant to subsection (11) in seeking  
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2033 federal grant funds, other nonstate grant funds, gifts,  
2034 donations, or other private moneys for the department so long as  
2035 the costs of doing so are not considered material. Nonmaterial  
2036 costs for this purpose include, but are not limited to, the  
2037 costs of mailing and personnel assigned to research or apply for  
2038 a grant. Notwithstanding the exemptions to competitive-  
2039 solicitation requirements under s. 287.057~~(3)-(5)~~(f), the  
2040 department shall comply with the competitive-solicitation  
2041 requirements under s. 287.057 for the procurement of any goods  
2042 or services required by this section.

2043 Section 36. Subsection (3) of section 1013.38, Florida  
2044 Statutes, is amended to read:

2045 1013.38 Boards to ensure that facilities comply with  
2046 building codes and life safety codes.—

2047 (3) The Department of Management Services may, upon  
2048 request, provide facilities services for the Florida School for  
2049 the Deaf and the Blind, the Division of Blind Services, and  
2050 public broadcasting. As used in this section, the term  
2051 "facilities services" means project management, code and design  
2052 plan review, and code compliance inspection for projects as  
2053 defined in s. 287.017~~(5)-(1)-(e)~~.

2054 Section 37. Section 21 of chapter 2009-55, 2009 Laws of  
2055 Florida, is amended to read:

2056 Section 21. The Agency for Health Care Administration  
2057 shall develop and implement a home health agency monitoring  
2058 pilot project in Miami-Dade County by January 1, 2010. The  
2059 agency shall contract with a vendor to verify the utilization  
2060 and the delivery of home health services and provide an

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2061 electronic billing interface for such services. The contract  
2062 must require the creation of a program to submit claims for the  
2063 home health services electronically. The program must verify  
2064 visits for the delivery of home health services telephonically  
2065 using voice biometrics. The agency may seek amendments to the  
2066 Medicaid state plan and waivers of federal law, as necessary, to  
2067 implement the pilot project. Notwithstanding s.

2068 287.057(3)~~(5)~~(f), Florida Statutes, the agency must award the  
2069 contract through the competitive solicitation process. The  
2070 agency shall submit a report to the Governor, the President of  
2071 the Senate, and the Speaker of the House of Representatives  
2072 evaluating the pilot project by February 1, 2011.

2073 Section 38. Section 31 of chapter 2009-223, Laws of  
2074 Florida, is amended to read:

2075 Section 31. Pilot project to monitor home health  
2076 services.—The Agency for Health Care Administration shall  
2077 develop and implement a home health agency monitoring pilot  
2078 project in Miami-Dade County by January 1, 2010. The agency  
2079 shall contract with a vendor to verify the utilization and  
2080 delivery of home health services and provide an electronic  
2081 billing interface for home health services. The contract must  
2082 require the creation of a program to submit claims  
2083 electronically for the delivery of home health services. The  
2084 program must verify telephonically visits for the delivery of  
2085 home health services using voice biometrics. The agency may seek  
2086 amendments to the Medicaid state plan and waivers of federal  
2087 laws, as necessary, to implement the pilot project.

2088 Notwithstanding s. 287.057(3)~~(5)~~(f), Florida Statutes, the  
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2089 agency must award the contract through the competitive  
2090 solicitation process. The agency shall submit a report to the  
2091 Governor, the President of the Senate, and the Speaker of the  
2092 House of Representatives evaluating the pilot project by  
2093 February 1, 2011.

2094 Section 39. Except as otherwise provided in this act and  
2095 except for this section which shall take effect upon this act  
2096 becoming a law, this act shall take effect January 1, 2011.

2097

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2100

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**T I T L E A M E N D M E N T**

2101

Remove the entire title and insert:

2102

A bill to be entitled

2103

An act relating to state financial matters; amending s.

2104

17.20, F.S.; providing that each agency is responsible for

2105

exercising due diligence in securing payment for all

2106

accounts receivable and other claims due the state;

2107

creating requirements for agencies for purposes of

2108

reporting delinquent accounts receivable; requiring

2109

agencies to report annually to the Legislature and Chief

2110

Financial Officer on accounts receivable and other claims

2111

due the state; requiring the Chief Financial Officer to

2112

report annually to the Governor and Legislature on claims

2113

for collections due the state; amending s. 287.012, F.S.;

2114

revising, eliminating, and providing definitions; amending

2115

s. 287.017, F.S.; revising the threshold amounts for state

2116

purchasing categories; eliminating a requirement that the

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2117 Department of Management Services adopt rules to adjust  
2118 the threshold amounts; repealing s. 287.045, F.S.,  
2119 relating to procurement of products and materials with  
2120 recycled content; amending s. 287.057, F.S.; revising and  
2121 organizing provisions relating to the procurement of  
2122 commodities and contractual services by the state;  
2123 specifying authorized uses for competitive solicitation  
2124 processes; providing procedures and requirements with  
2125 respect to competitive solicitation; specifying types of  
2126 procurements for which invitations to bid, requests for  
2127 proposals, and invitations to negotiate are to be utilized  
2128 and providing procedures and requirements with respect  
2129 thereto; revising contractual services and commodities  
2130 that are not subject to competitive-solicitation  
2131 requirements; prohibiting an agency from dividing the  
2132 solicitation of commodities or contractual services in  
2133 order to avoid specified requirements; authorizing a  
2134 renewal of contracts for community-based care lead agency  
2135 services for a specified term under certain conditions;  
2136 providing a requirement that an agency must avoid,  
2137 neutralize, or mitigate significant potential  
2138 organizational conflicts of interests before a contract is  
2139 awarded; providing procedures and requirements with  
2140 respect to mitigation of such conflicts of interest;  
2141 authorizing an agency to proceed with a contract award  
2142 when such conflict cannot be avoided or mitigated under  
2143 specified circumstances and providing a restriction on  
2144 such award; specifying conditions that constitute an

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2145 unfair competitive advantage for a vendor; eliminating  
2146 provisions with respect to eligibility of persons who  
2147 receive specified contracts that were not subject to  
2148 competitive procurement to contract with an agency for any  
2149 other contracts dealing with the specific subject matter  
2150 of the original contract; amending s. 287.0571, F.S.;  
2151 revising applicability of ss. 287.0571-287.0574, F.S.;  
2152 specifying procurements and contracts to which s.  
2153 287.0571, F.S., relating to agency business cases for  
2154 outsourcing of specified projects, does not apply;  
2155 requiring an agency to complete a business case for any  
2156 outsourcing project with an expected cost in excess of a  
2157 specified amount within a single fiscal year; providing  
2158 for the submission of the business case in accordance with  
2159 provisions governing the submission of agency legislative  
2160 budget requests; providing that a business case is not  
2161 subject to challenge; providing required components of a  
2162 business case; specifying required provisions for a  
2163 contract for a proposed outsourcing; repealing s.  
2164 287.05721, F.S.; eliminating definitions; creating s.  
2165 287.0575, F.S.; establishing duties and responsibilities  
2166 of the Department of Children and Family Services, the  
2167 Agency for Persons with Disabilities, the Department of  
2168 Health, the Department of Elderly Affairs, and the Florida  
2169 Department of Veterans Affairs, and service providers  
2170 under contract to those agencies, with respect to  
2171 coordination of contracted services; requiring state  
2172 agencies contracting for health and human services to

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2173 notify their contract service providers of certain  
2174 requirements by a specified date or upon entering into any  
2175 new contract for health and human services; requiring  
2176 service providers that have more than one contract with  
2177 one or more state agencies to provide health and human  
2178 services to provide each of their contract managers with a  
2179 comprehensive list of their health and human services  
2180 contracts by a specified date; specifying information to  
2181 be contained in the list; providing for assignment, by a  
2182 specified date, of a single lead administrative  
2183 coordinator for each service provider from among agencies  
2184 having multiple health and human services contracts;  
2185 requiring the lead administrative coordinator to provide  
2186 notice of his or her designation to the service provider  
2187 and to the agency contract managers for each affected  
2188 contract; providing the method of selection of lead  
2189 administrative coordinator; providing responsibilities of  
2190 the designated lead administrative coordinator; providing  
2191 duties of contract managers for agency contracts;  
2192 providing nonapplicability; requiring annual performance  
2193 evaluations of designated lead administrative coordinators  
2194 by each agency contracting for health and human services;  
2195 providing for a report; repealing s. 287.0573, F.S., which  
2196 establishes the Council on Efficient Government and  
2197 provides membership and duties thereof; repealing s.  
2198 287.0574, F.S.; eliminating provisions relating to  
2199 business cases to outsource, review and analysis conducted  
2200 thereunder, and requirements thereof that are relocated in

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2201 other sections of Florida Statutes set forth in this act;  
2202 amending ss. 283.32 and 403.7065, F.S.; conforming  
2203 provisions to the repeal of s. 287.045, F.S.; relating to  
2204 procurement of products and materials with recycled  
2205 content; amending ss. 14.204, 43.16, 61.1826, 112.3215,  
2206 255.25, 286.0113, 287.022, 287.058, 287.059, 295.187,  
2207 394.457, 394.47865, 402.40, 402.7305, 408.045, 427.0135,  
2208 445.024, 481.205, 570.07, 627.311, 627.351, 765.5155,  
2209 893.055, and 1013.38, F.S., s. 21, ch. 2009-55, Laws of  
2210 Florida, and s. 31, ch. 2009-223, Laws of Florida;  
2211 conforming cross-references; providing effective dates.

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