

CHAPTER 97-296

Committee Substitute for Senate Bill No. 1860

An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for public announcement and qualification procedures, competitive selection, and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing requirements with respect thereto; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending s. 255.507, F.S.; providing criteria for determinations by the Division of Facilities Management that certain facilities are qualified facilities for certain purposes; amending s. 282.105, F.S.; providing that

certain educational entities shall be eligible to use the state SUN-COM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing effective dates.

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

Section 1. Paragraph (c) of subsection (10) of section 287.055, Florida Statutes, 1996 Supplement, is amended to read:

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

(10) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

(c) Except as otherwise provided in s. 240.209(3) or s. 337.11(7), the Department of Management Services shall adopt rules for the award of design-build contracts to be followed by state agencies. Each other agency must adopt rules or ordinances for the award of design-build contracts. ~~For~~ Municipalities, political subdivisions, school districts, and school boards shall award design-build contracts by the use of a competitive proposal selection process as described in this subsection, or by the use of a qualifications-based selection process pursuant to subsections (3), (4), and (5) for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during the selection of the design-build firm the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a competitive proposal selection process, such procedures must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.
2. The qualification and selection of no fewer than three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.
3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the agency of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

6. In the case of public emergencies, for the agency head to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

Section 2. Effective upon becoming a law, subsection (3) of section 20.04, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-403, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of Children and Family Services, Corrections, Management Services, and Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the “division.” Each division is headed by a “director.”

(b) The principal unit of the division is the “bureau.” Each bureau is headed by a “chief.”

(c) The principal unit of the bureau is the “section.” Each section is headed by an “administrator.”

(d) If further subdivision is necessary, sections may be divided into “subsections,” which are headed by “supervisors.”

Section 3. Effective upon becoming a law, subsections (2) and (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and programs ~~bureaus~~ within the Department of Management Services are established:

(a) Facilities Program.

(b) Information Technology Program.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

~~(a) Division of Administration.~~

~~(b) Division of Building Construction.~~

~~(c) Division of Communications.~~

~~(d) Division of Facilities Management.~~

~~(e) Division of Information Services.~~

~~(f) Division of Motor Pool.~~

~~1. Bureau of Aircraft.~~

~~2. Bureau of Motor Vehicles.~~

~~(g) Division of Personnel Management Services.~~

~~1. Office of Labor Relations.~~

~~(h) Division of Purchasing.~~

~~1. Bureau of Federal Property Assistance.~~

~~(i) Division of Retirement.~~

~~(j) Division of State Employees' Insurance.~~

~~(k) Division of Administrative Hearings.~~

~~(l) Division of Capitol Police.~~

~~(3) The Information Technology Program ~~Division of Information Services~~ shall operate and manage the Technology Resource Center.~~

Section 4. (1) The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill for presentation to the 1998 Regular Session of the Legislature substituting all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services with a reference to the Department of Management Services. However, no changes shall be made in references to the Division of Administrative Hearings and the Division of Retirement, or to commissions.

(2) This section shall take effect upon becoming a law.

Section 5. (1) The administrative rules of the Department of Management Services that are in effect immediately prior to the effective date of this act shall not be affected by this act and shall remain in effect until specifically changed in a manner provided by law.

(2) This section shall take effect upon becoming a law.

Section 6. Effective upon becoming a law, paragraphs (a) and (b) of subsection (3) of section 110.1127, Florida Statutes, 1996 Supplement, are amended to read:

110.1127 Employee security checks.—

~~(3)(a) Within the Department of Health and Rehabilitative Services and the Department of Elderly Affairs, All positions in programs providing care to children, the developmentally disabled, disabled adults, or elderly persons for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility, and require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter.~~

(b) The employing agency department may grant exemptions from disqualification from working with children, the developmentally disabled, disabled adults, or elderly persons as provided in s. 435.07.

Section 7. Effective upon becoming a law, subsection (1) of section 110.1165, Florida Statutes, 1996 Supplement, is amended to read:

110.1165 Executive branch personnel errors.—

(1) An agency of the executive branch, including the State University System, shall establish procedures for the receipt, consideration, and disposition of a claim regarding pay or benefits brought by an employee when that employee is damaged as a result of being provided with erroneous written information by the employing agency regarding his or her pay or benefits, and the employee detrimentally relies upon such written information. In order to qualify for the relief provided by this section, the employee's reliance on the representation must have been reasonable and based only upon the written representations made by those persons authorized by the agency head to make such representations. Furthermore, the erroneous calculation and payment of an employee's salary, wages, or benefits is not among the written representations which will trigger relief under this section. Section 95.11(4) is the statute of limitations for filing any action to recover salary, wages, overtime, benefits, or related damages by or on behalf of a state employee, or any action under this section. No distinctions between the terms "salary" and "wages" in construing the provisions of s. 95.11(4) apply to this section or the statute of limitations for filing any action under this section.

Section 8. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.201, Florida Statutes, 1996 Supplement, is amended to read:

110.201 Personnel rules, records, and reports.—

(1)(a) ~~By July 1, 1998,~~ The department, in consultation with agencies that must comply with these rules, shall develop uniform personnel rules, guidelines, records, and reports relating to employees and positions in the career service, which must be reviewed by the Administration Commission and filed with the Department of State. State Agencies must comply with the uniform rules, except as provided in this section, ~~by July 1, 1999.~~ The department may adopt rules that provide alternative requirements. Upon filing with the Department of State, the appropriate uniform rules will constitute the personnel rules for each agency subject to this act unless the Administration Commission grants an exception to a specific rule to an agency upon the agency's request or unless the agency must comply with a statutory provision that conflicts with the uniform rules. If an agency must comply with a statutory provision that conflicts with the uniform rules, the agency must notify the Administration Commission, the Administrative Procedures Committee, and the appropriate standing committees of the Legislature ~~by July 1, 1999,~~ and advise the standing committees whether the agency recommends revision of the statute to conform it to the uniform rules. Agencies are encouraged to propose methods of conforming statutory provisions to the uniform personnel rules. ~~In adopting the rules, the department must consult with the agencies.~~

Section 9. Effective upon becoming a law, paragraph (g) of subsection (1) of section 110.207, Florida Statutes, 1996 Supplement, is amended to read:

110.207 Classification plan.—

(1) The department shall establish and maintain a uniform classification plan applicable to all positions in the career service and shall be responsible for the overall coordination, review, and maintenance of the plan.

(g) In consultation with the Executive Office of the Governor, the department shall facilitate the statewide planning of the career service broadbanding compensation and classification system.

1. Upon approval by the Executive Office of the Governor, the department shall begin developing the broadbanding system to ensure agency flexibility and accountability on a statewide basis, and shall have the authority to determine system modifications necessary to permit use by all agencies. The proposed structure shall address all issues raised in the January 1997 report on the "Review of the Department of Transportation Model Classification Plan" submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Department of Management Services shall provide alternatives for a rate funding formula that will not exceed the statewide cost under the current formula and will ensure that agencies are able to effectively recruit and retain employees. The Department of Transportation shall continue to use the model system it developed under the provision of s. 334.0445 until July 1, 1999.

2. Once the Executive Office of the Governor has approved a statewide broadbanding compensation and classification system, state agencies will come under the uniform personnel system based on an implementation

~~schedule developed by the Department of Management Services and approved by the Executive Office of the Governor. Effective July 1, 1996, the department is directed to review the model classification plan established by the Department of Transportation under s. 334.0445, to determine whether the plan is suitable for statewide implementation. The department shall identify and resolve those issues that may affect statewide implementation by all agencies and ensure that the system is compatible with program based budgeting as set forth in s. 216.0166. To assist in the review, the secretary of the Department of Management Services may appoint a task force, which shall include a representative of the Department of Transportation and state agency representatives with personnel, classification, and compensation experience. The department shall prepare a report of recommendations which shall be forwarded to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate legislative committees no later than January 15, 1997.~~

Section 10. Effective upon becoming a law, paragraph (a) of subsection (1) of section 110.217, Florida Statutes, 1996 Supplement, is amended to read:

110.217 Appointments and promotion.—

~~(1)(a) By July 1, 1998, The department, in consultation with agencies that must comply with these rules, shall develop uniform rules regarding appointment, promotion, demotion, reassignment, separation, and status which must be used by employing agencies by July 1, 1999. Such rules must be approved by the Administration Commission before their adoption by the department.~~

Section 11. Effective upon becoming a law, paragraph (c) of subsection (1) of section 110.403, Florida Statutes, 1996 Supplement, is amended to read:

110.403 Powers and duties of the Department of Management Services.—

(1) In order to implement the purposes of this part, the Department of Management Services, after approval by the Administration Commission, shall adopt and amend rules providing for:

~~(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance. The Department of Management Services shall establish and implement recruiting procedures which ensure that vacancies are advertised or otherwise publicized outside the hiring agency.~~

Section 12. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.406, Florida Statutes, 1996 Supplement, is amended to read:

110.406 Senior Management Service; data collection.—

- (2) The data required by this section shall include:
- (c) In addition, as needed, the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Senior Management Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Senior Management Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Senior Management Service, indicating the mean salary for each classification within the Senior Management Service and the deviation from such mean with respect to each agency's salary practice in each classification; a review of the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and an opinion as to whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Senior Management Service.

Section 13. Effective upon becoming a law, section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking exempt under s. 110.205(2)(q), exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 14. Effective upon becoming a law, paragraph (c) of subsection (2) of section 110.606, Florida Statutes, 1996 Supplement, is amended to read:

110.606 Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed ~~in each even-numbered year~~, the data shall include:

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with

respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 15. Effective upon becoming a law, section 216.235, Florida Statutes, is amended to read:

216.235 Innovation Investment Program; intent; definitions; composition and responsibilities of intent; State Innovation Committee; responsibilities of the Department of Management Services, the Information Resource Commission, and the review board; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(1) This section shall be cited as the "Innovation Investment Program Act."

(2) The Legislature finds that each state agency should be encouraged to pursue innovative investment projects which demonstrate a novel, creative, and entrepreneurial approach to conducting the agency's normal business processes; effectuate a significant change in the accomplishment of the agency's activities; address an important problem of public concern; and have the potential of being replicated by other state agencies. The Legislature further finds that investment in innovation can produce longer-term savings and that funds for such investment should be available to assist agencies in investing in innovations that produce a cost savings to the state or improve the quality of services delivered. The Legislature also finds that any eligible savings realized as a result of investment in innovation should be available for future investment in innovation.

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

(b) "Commission" means the Information Resource Commission.

(c)(b) "Committee" means the State Innovation Committee.

(d)(c) "Department" means the Department of Management Services.

~~(d) "Innovative project" means a project that represents a change in the normal business processes of the agency and which produces a cost savings or improves the delivery of public services.~~

(e) “Review board” means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(4) There is hereby created the State Innovation Committee, which shall have final approval authority as to which innovative investment projects submitted under this section shall be funded. Such committee shall be comprised of ~~five~~ four members. Appointed members shall serve terms of 1 year and may be reappointed. The committee shall include:

- (a) The Lieutenant Governor.
- (b) The director of the Governor’s Office of Planning and Budgeting.
- (c) The Comptroller ~~Secretary of Management Services~~.
- (d) One representative of the private sector appointed by the Commission on Government Accountability to the People.
- (e) One representative appointed by Enterprise Florida, Inc.

The Secretary of Management Services shall serve as an alternate in the event a member is unable to attend the committee meeting.

(5) Agencies shall submit proposed innovative investment projects to the department by a date established and in the format prescribed by the department ~~Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section. Such innovative investment project proposals shall include, but not be limited to:~~

- (a) The identification of a specific innovative investment project.
- (b) The name of the agency’s innovative investment project administrator.

(c) A cost/benefit analysis which is a financial summary of how the innovative investment project will produce a cost savings for the agency or improve the quality of the public services delivered by the agency. The analysis shall include a breakdown of each project cost category, including, but not limited to: the costs associated with hiring of other personal services staff, re-engineering efforts, purchase of equipment, maintenance agreements, training, consulting services, travel, acquisition of information technology resources; any monetary or in-kind contributions made by the agency, another public entity, or the private sector; and available baseline data, performance measures, and outcomes as defined in s. 216.011(1).

(d) The approval of the agency head, the agency’s budget director, the agency’s inspector general or internal auditor, and, if the innovative investment project involves information technology resources, the information resource manager ~~A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation.~~

~~(e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.~~

~~All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the information resource manager prior to submission to the department.~~

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the commission. The department shall consult with the commission for any project proposal that involves information resource technology. The commission is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the commission any information requested by the commission to aid in determining that the proposed technology is appropriate for the project's success. Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the Information Resource Commission for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:

(a) The identification of the specific project, as defined in s. 282.303.

~~(b) A statement as to the innovative project's consistency with the agency's strategic plan for information resources management.~~

~~(c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.~~

~~(d) A planning and analysis methodology that provides a high level of confidence in successful implementation.~~

~~(e) If applicable, a description of the transferability of the technology to other agencies.~~

~~Based on the components required by this subsection to be included in innovative project proposals, the Information Resource Commission shall evaluate the innovative project's technical feasibility and shall make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the Information Resource Commission than those applications that do not have a transferable benefit.~~

~~(7) The department shall select a review board composed of private and public members. Terms of review board members shall be for 1 year, with such terms beginning on a date established by the department April 15.~~

Review board members may serve more than one term. The board shall evaluate innovative investment projects ~~project proposals~~ and shall make recommendations to the committee as to which innovative projects should be considered for funding.

(8) When evaluating ~~proposals for innovative projects~~, the committee and the review board shall consider whether the innovative investment project meets the following criteria:

(a) ~~Whether the innovative project~~ Increases the quality of public services by the agency.

(b) ~~Whether the innovative project~~ Reduces costs for the agency.

(c) ~~Whether the innovative project~~ Involves a cooperative effort with another public entity or the private sector.

(d) ~~Whether the innovative project~~ Reduces the need for hiring additional employees or avoids other operating costs incurred by the agency in the future.

(e) ~~Whether the innovative project enhances the agency's ability to provide customer-oriented services.~~

(9) The committee shall allocate funds ~~shall be allocated~~ based on a competitive evaluation process and designed to award funds to agencies for innovative investment projects demonstrating innovative changes to their operations which will show quantifiable savings to the state, or improved customer service delivery, cost avoidance, or increased productivity.

(10) The awarded agency department shall monitor and evaluate the ~~implementation of innovative projects~~ to determine if the anticipated results were achieved. ~~For innovative projects involving information technology resources, the Information Resource Commission shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.~~

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The department may transfer funds from the annual appropriation as necessary to administer the program.

Section 16. Effective upon becoming a law, section 255.21, Florida Statutes, is amended to read:

255.21 Special facilities for physically disabled.—

(1) Any building or facility intended for use by the general public which, in whole or in part, is constructed or altered or operated as a lessee, by or on behalf of the state or any political subdivision, municipality, or special district thereof or any public administrative board or authority of the state shall, with respect to the altered or newly constructed or leased portion of

such building or facility, comply with standards and specifications established by part V of chapter 553 s. 553.48.

(2) The Department of Management Services shall establish, by rule, a standing code panel to consider modification or waivers to ~~handicapped standards and other codes and standards, except handicapped standards,~~ for state building designs.

Section 17. Effective upon becoming a law, section 110.1097, Florida Statutes, as amended by section 30 of chapter 96-399, Laws of Florida, is repealed.

Section 18. Effective upon becoming a law, section 255.507, Florida Statutes, is amended to read:

255.507 Determination of qualified facilities.—The Division of Facilities Management, in making determinations under s. 255.502(14)(b), shall determine a facility to be a qualified facility if the facility meets either of the following standards:

(1) The facility is in compliance with the fire safety standards established by the State Fire Marshal for state-owned buildings, is in compliance with flood management criteria if it is located in a flood-prone area, and is in good operating condition in relation to its intended use.

(2) The facility's economic benefit to the pool will be equal to or greater than the cost of restoring the facility to the condition described in subsection (1). For purposes of this paragraph, achieving such economic benefit means that the rent to be paid by the occupants of the facility will be adequate to repay the restoration costs within 5 years shall adopt rules establishing the standards for a qualified facility, which rules shall take into account the intended use of such facility and, with respect to those qualified facilities described in s. 255.502(14)(b), shall take into account the economic benefit of such facility to the pool as compared to the cost to the pool of restoring such facility to the condition stated in s. 255.502(14)(a).

Section 19. Effective upon becoming a law, subsection (4) is added to section 282.105, Florida Statutes, 1996 Supplement, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(4) Institutions qualified pursuant to s. 240.605 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the division. Such entities shall not be required to satisfy the other criteria of this section.

Section 20. Effective upon becoming a law, paragraph (a) of subsection (2) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

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

(2)(a) To plan and coordinate purchases in volume and to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a federal, county, municipality, institutions qualified pursuant to s. 240.605, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency may make purchases. The division may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Minority Business Advocacy and Assistance Office may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The division, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Transportation Disadvantaged Commission, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive sealed bid requirements otherwise applying to their purchases.

Section 21. Effective upon becoming a law, paragraph (k) of subsection (1) of section 364.511, Florida Statutes, is amended to read:

364.511 Powers of the Board of Directors of the Florida Distance Learning Network.—

(1) In order to enable it to carry out the purposes of ss. 364.506-364.514, the Board of Directors of the Florida Distance Learning Network has the power of a body corporate and shall have the power to:

(k) The Department of Management Services shall manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the Florida Distance Learning Network.

Section 22. Effective upon becoming a law, section 282.1021, Florida Statutes, is repealed.

Section 23. Effective upon becoming a law, paragraph (b) of subsection (2) of section 282.307, Florida Statutes, is amended to read:

282.307 Strategic Plan for Information Resources Management; penalty for noncompliance.—

(2)

(b) The commission shall review and approve or disapprove the plan of each department no later than August 1 of each even-numbered year. Upon approval, copies of the plan shall be forwarded to the Executive Office of the Governor, the appropriations committees and the Legislative Information Technology Resource Committee of the Legislature, and the Auditor General. Copies of the communications components of each plan shall be provided to the Division of Communications of the Department of Management Services ~~for use in developing the State Implementation Plan for Communications Services required under s. 282.1021.~~ When a plan is disapproved, the basis for disapproval shall be presented to the information resource manager in writing. If the reasons for disapproval cannot be resolved within 30 days after receiving the basis for disapproval, the information resource manager shall notify the commission in writing why the department is unable to resolve the problems identified. Within 15 days after receiving the manager's response, the commission shall notify the information resource manager, in writing, of what actions are necessary for approval of the plan.

Section 24. (1) There is created the Workforce 2000 Study Commission for the purpose of advising the Legislature and the Governor on appropriate executive, statutory, and constitutional measures in the formulation and implementation of an innovative, efficient retirement and benefits program along with setting appropriate personnel administrative policy.

(a) The commission membership shall be as follows:

1. Three members appointed by the Governor who represent issues and interests relating to personnel and retirement matters in both the public and private sectors.

2. Three members appointed by the President of the Senate.

3. Three members appointed by the Speaker of the House of Representatives.

(b) The members shall elect one member to serve as chair of the commission.

(2) It is the duty of the commission to:

(a) Review various benefit plans as applied in the private sector and recommend innovative and efficient benefit plan options with the objectives of minimizing cost while maximizing motivation and work initiative among public employees.

(b) Identify and recommend specific retirement initiatives that complement efficient use of tax dollars.

(c) Identify and recommend appropriate personnel administrative policy relating to technical, professional, and managerial personnel.

(d) Review and recommend specific alternative benefit plans for nonpermanent employees in the public sector.

(3) The commission shall make its recommendations in an official report, adopted by the commission and transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 1, 1997.

(4) Commission members shall be appointed no later than July 1, 1997, and shall convene to organize immediately after the appointments have been completed. In the event member appointments have not been completed by July 1, 1997, those members appointed by that time shall select the remaining members.

(5) Members of the commission shall serve without compensation. Members of the commission shall be entitled to receive reimbursement for travel and per diem as provided by section 112.061, Florida Statutes, while carrying out official business of the commission.

(6) The commission shall hold meetings within the state when deemed necessary. Meetings of the commission shall be public. The commission shall have the power to require the attendance of witnesses before it and to require the production of records and other data for its examination in the manner prescribed by section 11.143, Florida Statutes.

(7) This section shall take effect upon becoming a law.

Section 25. (1) The Department of Management Services shall furnish staff services to the Workforce 2000 Study Commission.

(2) This section shall take effect upon becoming a law.

Section 26. Effective upon becoming a law, subsection (6) is added to section 957.03, Florida Statutes, 1996 Supplement, to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.— The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters 110, 216, 255, 282, and 287 for agencies of the executive branch. The Executive Director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 27. Except as otherwise provided herein, this act shall take effect October 1, 1997.

Became a law without the Governor's approval June 1, 1997.

Filed in Office Secretary of State May 30, 1997.