

Committee Substitute for House Bill No. 1707

An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.112, F.S.; revising reporting requirements; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; authorizing the designee of an agency head to extend the other-personal-services employment of a health care practitioner; amending s. 110.151, F.S.; modifying duties of state agencies for child care programs sponsored by the agencies; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for adoption of rules; providing for a workforce report; amending s. 110.205, F.S.; authorizing the Department of Management Services to designate specified employees within the Governor's Office to have salaries and benefits in accordance with the rules of Senior Management Service; authorizing specified employees to have benefits comparable to legislative employees; conforming provisions to changes made by the act; providing for the designation of Senior Management Service exempt positions; repealing s. 110.207(1)(g), F.S., relating to statewide planning of career service broadbanding compensation and classification; amending s. 110.209, F.S.; adding critical market pay to the list of pay additives; requiring certain pay implementations to be subject to review and recommendation by the Department of Management Services and approval by the Office of Planning and Budgeting; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 110.605, F.S.; providing a uniform appraisal system for employees and positions in the Selected Exempt Service; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 112.3145, F.S.; redefining the terms "local officer" and "specified state employee" for purposes of financial disclosure requirements; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending s. 255.25, F.S.; exempting certain leases from the competitive bidding process; amending ss. 255.249 and 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance

of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, and 281.08, F.S.; including reference to the Florida Capitol Police; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S., relating to use of State Suncom Network by nonprofit schools; amending s. 282.1095, F.S.; authorizing the Department of Management Services to acquire a state agency law enforcement radio system; authorizing the Joint Task Force on State Agency Law Enforcement Communications to advise the department regarding the system; deleting obsolete provisions; amending ss. 320.0802 and 327.25, F.S.; removing the time limits on the surcharges used to fund the system; removing obsolete provisions; amending s. 282.322, F.S.; amending the requirements for written reports on designated information resources management projects; amending s. 282.3091, F.S.; revising the membership of the State Technology Council; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.017, F.S.; increasing purchasing category threshold amounts; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.151, F.S.; revising purchasing requirements for certain state motor vehicles; amending ss. 287.16 and 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; requiring a report from agency heads on employee use of state motor vehicles; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021 and 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ch. 98-310, Laws of Florida, relating to evaluation of the state contract for air carrier service; authorizing the department to negotiate air services to and from Tallahassee and other cities; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; amending s. 230.23162, F.S.; directing the department to seek proposals for the use or transfer of a specified state facility; requiring the department to take steps to preserve the facility; amending s. 110.123, F.S.; providing coverage in the state group health insurance plan for certain legislative members; repealing s.

59(4) of SB 2502, enacted in the 1999 Regular Session of the Legislature, relating to performance measures for the Florida Public Service Commission; providing an effective date.

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

Section 1. Subsection (4) of section 20.22, Florida Statutes, is amended to read:

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

(4) The duties of the ~~Chief Labor Negotiator Office of Labor Relations~~ shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 2. Subsection (5) of section 110.1099, Florida Statutes, 1998 Supplement, is amended, and subsection (6) is added to said section, to read:

110.1099 Education and training opportunities for state employees.—

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public postsecondary educational institutions, shall adopt rules to implement and administer this section.

(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not exceeding 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

Section 3. Paragraph (d) of subsection (2) and subsection (6) of section 110.112, Florida Statutes, are amended to read:

110.112 Affirmative action; equal employment opportunity.—

(2)

(d) The department shall report information in its annual workforce report relating to annually to the Governor on the implementation, continuance, updating, and results of each executive agency's affirmative action plan for the previous fiscal year.

(6) The department shall review and monitor ~~audit~~ executive agency actions in carrying out the rules adopted by the department pursuant to this section and ~~shall submit postaudit reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.~~

Section 4. Section 110.1245, Florida Statutes, is amended to read:

110.1245 Meritorious service awards program.—

(1) The Department of Management Services shall set policy, develop procedures, and promote a program of meritorious service awards, incentives, and recognition to employees who:

(a) Propose procedures or ideas which are adopted and which will result in increasing productivity, in eliminating or reducing state expenditures or improving operations, or in generating additional revenues, provided such proposals are placed in effect and can be implemented under current statutory authority; or

(b) By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of the state government.

Every state agency, unless otherwise provided by law, shall participate in the program. The Chief Justice shall have the authority to establish a meritorious service awards program for employees of the judicial branch within the parameters established in this section. The component of the program specified in paragraph (a) shall apply to all employees within the Career Service System, the Selected Exempt Service System, and comparable employees within the judicial branch. The component of the program specified in paragraph (b) shall apply to all employees of the state. No award granted under the component of the program described in paragraph (a) shall exceed 10 percent of the first year's actual savings or actual revenue increase, up to \$25,000, plus applicable taxes, unless a larger award is made by the Legislature, and shall be paid from the appropriation available to the judicial branch or state agency affected by the award or from any specific appropriation therefor. No award granted under the component of the program described in paragraph (b) shall exceed \$1,000 plus applicable taxes per individual employee. The judicial branch or an agency may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed the limits specified in this subsection. In addition, the judicial branch or a state agency may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award may not cost in excess of \$100 ~~\$75~~ each plus applicable taxes.

(2) The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that ~~by April 1 of each year a report which~~ outlines each agency's level of participation in the meritorious service awards program. The information must report ~~shall~~ include, but is ~~is not~~ be limited to:

- (a) The number of proposals made.
 - (b) The number of awards made to employees for adopted proposals.
 - (c) The actual cost savings realized as a result of implementing employee proposals.
 - (d) Total expenditures incurred by the agency for providing awards to employees for adopted proposals.
 - (e) The number of employees recognized for superior accomplishments.
 - (f) The number of employees recognized for satisfactory service to the state.
- (3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 ~~\$50~~ each plus applicable taxes.
- (4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$50 ~~\$10~~ each plus applicable taxes.
- (5) Each department head is authorized to incur expenditures not to exceed \$100 ~~\$50~~ each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 5. Paragraph (c) of subsection (6) of section 110.131, Florida Statutes, 1998 Supplement, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)

(c) Notwithstanding the provisions of this section, the agency head or his or her designee ~~secretary of the Department of Health or the secretary's delegate~~ may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours and may employ such practitioner on an hourly or other basis.

Section 6. Subsection (2) of section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services.—

(2) Child care programs may be located in state-owned office buildings, educational facilities and institutions, custodial facilities and institutions, and, with the consent of the President of the Senate and the Speaker of the House of Representatives, in buildings or spaces used for legislative activities. In addition, centers may be located in privately owned buildings conveniently located to the place of employment of those officers and employees to be served by the centers. If a child care program is located in a state-owned office building, educational facility or institution, or custodial facility or institution, or in a privately owned building leased by the state, a portion of the service provider's rental fees for child care space may be waived by the sponsoring agency in accordance with the rules of the Department of Management Services. Additionally, the sponsoring state agency may be responsible for the maintenance, utilities, and other operating costs associated with the ~~physical facility of the child care center~~.

Section 7. Paragraph (b) of subsection (2) of section 110.181, Florida Statutes, is amended to read:

110.181 Florida State Employees' Charitable Campaign.—

(2) SELECTION OF FISCAL AGENTS; COST.—

(b) The fiscal agent shall withhold the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and shall reimburse the department the actual cost, not to exceed 1 percent of gross pledges, for coordinating the campaign in accordance with the rules of the department. In any fiscal year in which the Legislature specifically appropriates to the department its total costs for coordinating the campaign from the General Revenue Fund, the fiscal agent is not required to reimburse such costs to the department under this subsection. Otherwise, reimbursement will be the difference between actual costs and the amount appropriated.

Section 8. Subsection (5) is added to section 110.201, Florida Statutes, to read:

110.201 Personnel rules, records, and reports.—

(5) The department shall develop a workforce report that contains data representative of the state's human resources. The report should identify trends for planning and improving the management of the state's human resources. The department shall submit this report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 9. Paragraphs (k) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(k) All officers and employees in the office of the Governor, including all employees at the Governor's mansion, and employees within each separate budget entity, as defined in chapter 216, assigned to the Governor. Unless otherwise fixed by law, the salary and benefits of these positions shall be set by the department as follows:

1. The chief of staff, the assistant or deputy chief of staff, general counsel, Director of Legislative Affairs, chief inspector general, Director of Cabinet Affairs, Director of Press Relations, Director of Planning and Budgeting, director of administration, director of state-federal relations, Director of Appointments, Director of External Affairs, Deputy General Counsel, Governor's Liaison for Community Development, Chief of Staff for the Lieutenant Governor, Deputy Director of Planning and Budgeting, policy coordinators and chief prosecutor of the statewide grand jury, and the director of each separate budget entity shall have their salaries and benefits established by the department in accordance with the rules of the Senior Management Service.

2. The salaries and benefits of positions not established in subparagraph 1. shall be set by the employing agency. Salaries and benefits of employees whose professional training is comparable to that of licensed professionals under paragraph (q), or whose administrative responsibility is comparable to a bureau chief shall be set by the Selected Exempt Service. The department shall make the comparability determinations. Other employees shall have benefits set comparable to legislative staff, except leave shall be comparable to career service as if career service employees.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment

Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

Section 10. Paragraph (g) of subsection (1) of section 110.207, Florida Statutes, 1998 Supplement, is repealed.

Section 11. Paragraph (c) of subsection (2) of section 110.209, Florida Statutes, is amended to read:

110.209 Pay plan.—

(2)

(c) The department shall establish, by rule, guidelines with respect to, and shall delegate, where appropriate, to the employing agencies the authority to administer, the following:

1. Shift differentials.
2. On-call fees.
3. Hazardous-duty pay.
4. Advanced appointment rates.
5. Salary increase and decrease corrections.
6. Lead worker pay.
7. Temporary special duties pay.
8. Trainer additive pay.
9. Competitive area differentials.
10. Coordinator pay.
11. Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action and the Office of Planning and Budgeting within the Executive Office of the Governor has approved the action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department and approval by the the Office of Planning and Budgeting within the Executive Office of the Governor.

Section 12. Section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(1) It is the intent of the Legislature that state agencies shall implement training programs that encompass modern management principles, ~~such as those embodied in total quality management,~~ and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

~~(2) If requested by the employing agencies, the Department of Management Services shall provide the employing agencies with training necessary to implement the revision of the Career Service System and implement the principles of quality management.~~

~~(3) The employing agencies shall report annually to the Department of Management Services all training programs used by that agency which have not been provided by the Department of Management Services.~~

~~(2)(4) Each employing agency shall annually evaluate and report to the department the training it has implemented and the progress it has made in the area of training. The department shall review and consolidate the information reported to it by the agencies and shall annually report the progress of the agencies in training to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

~~(3)(5) As approved by the Legislature by law, each employing agency may use a specified percentage of its salary budget to implement training programs.~~

Section 13. Subsection (5) of section 110.503, Florida Statutes, is amended to read:

110.503 Responsibilities of departments and agencies.—Each department or agency utilizing the services of volunteers shall:

(5) Provide for the recognition of volunteers who have offered continuous and outstanding service to state-administered programs. Each department or agency using the services of volunteers is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to honor, reward, or encourage volunteers for their service.

Section 14. Subsection (6) of section 110.504, Florida Statutes, is amended to read:

110.504 Volunteer benefits.—

(6) Incidental recognition benefits or incidental nonmonetary awards may be furnished to volunteers serving in state departments to award, recognize, or encourage volunteers for their service. The awards may not cost in excess of \$100 each plus applicable taxes.

Section 15. Subsection (1) of section 110.605, Florida Statutes, is amended to read:

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

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part. ~~A uniform performance appraisal system shall apply only to employees and positions in the Selected Exempt Service covered by a collective bargaining agreement.~~

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.

(c) The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(d)~~(e) The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

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

Section 16. Paragraph (f) of subsection (3) and subsections (12) and (13) of section 112.061, Florida Statutes, 1998 Supplement, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(3) **AUTHORITY TO INCUR TRAVEL EXPENSES.—**

(f) A traveler who becomes sick or injured while away from his or her official headquarters and is therefore unable to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this period of illness or injury until such time as he or she is able to perform the official business of the agency or returns to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head or his or her designee.

(12) **ADVANCEMENTS.**—Notwithstanding any of the foregoing restrictions and limitations, an agency head or his or her designee may make, or authorize the making of, advances to cover anticipated costs of travel to travelers. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his or her duties.

(13) **DIRECT PAYMENT OF EXPENSES BY AGENCY.**—Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Comptroller for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

Section 17. Subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) “Local officer” means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board; commission; authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief;

municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of ~~\$1,000~~ for any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE ~~\$1,000~~, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

Section 18. Subsection (1) of section 215.196, Florida Statutes, 1998 Supplement, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of providing sufficient funds for the operation of the facilities development activities of the Department of Management Services Division of Building Construction.

Section 19. Subsections (5) and (9) of section 215.422, Florida Statutes, are amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(5) All purchasing agreements between a state agency or the judicial branch and a vendor, applicable to this section, shall include a statement of the vendor's rights and the state's responsibilities under this section. The vendor's rights shall include being provided with the ~~name and~~ telephone number of the vendor ombudsman within the Department of Banking and Finance, which information shall also be placed on all agency or judicial branch purchase orders.

(9) Each agency and the judicial branch shall include in the official position description of every officer or employee who is responsible for the approval or processing of vendors' invoices or distribution of warrants to vendors that the requirements of this section are mandatory. ~~In addition, each employee shall be required to sign a statement at least annually that he or she has been provided a copy of this section and the rules promulgated by the Comptroller. The statement shall also acknowledge that the employee understands the approval and processing time limitations and the provision for automatic interest penalty payments. Each agency and the judicial branch shall certify its compliance with this subsection to the Comptroller on or before February 1 of each year.~~

Section 20. Paragraph (x) of subsection (1) of section 216.011, Florida Statutes, 1998 Supplement, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(x) "Operating capital outlay" means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is \$1,000 ~~\$500~~ or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is \$25

or more, and hardback-covered bound books, the value or cost of which is ~~\$250 \$100~~ or more.

Section 21. Paragraphs (b) and (k) of subsection (2) of section 255.249, Florida Statutes, 1998 Supplement, are amended to read:

255.249 Department of Management Services; responsibility; department rules.—

(2) The department shall promulgate rules pursuant to chapter 120 providing:

(b) Procedures for soliciting and accepting competitive proposals for leased space of 5,000 ~~3,000~~ square feet or more in privately owned buildings, for evaluating the proposals received, for exemption from competitive bidding requirements of any lease the purpose of which is the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid.

(k) For a lease of less than 5,000 ~~3,000~~ square feet, a method for certification by the agency head or the agency head's designated representative that all criteria for leasing have been fully complied with and for the filing of a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency.

Section 22. Paragraph (b) of subsection (2) and subsection (3) of section 255.25, Florida Statutes, 1998 Supplement, are amended to read:

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

(2)

(b) The approval of the Department of Management Services, except for technical sufficiency, need not be obtained for the lease of less than 5,000 ~~3,000~~ square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. 255.249(2)(k) and has determined such lease to be in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(3)(a) Except as provided in subsection (10), no state agency shall enter into a lease as lessee for the use of 5,000 ~~3,000~~ square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The Department of Management Services shall have the authority to approve a lease for 5,000 ~~3,000~~ square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

(b) The Department of Management Services may approve extensions of an existing lease of 5,000 ~~3,000~~ square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b).

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is greater ~~less~~, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

Section 23. Subsection (2) of section 255.257, Florida Statutes, 1998 Supplement, is amended to read:

255.257 Energy management plan; buildings occupied by state agencies.—

(2) ENERGY CONSUMPTION AND COST DATA.—Each state agency shall submit, in the form and manner to be prescribed by the Department of Management Services, data on energy consumption and cost. The data gathered shall be on state-owned facilities and metered state-leased facilities of 5,000 net square feet or more. These data will be used in the computation of the effectiveness of the state energy management plan and the effectiveness of the energy management program of each of the reporting agencies. The department shall advise the various agencies on the effectiveness of their energy management programs.

Section 24. Paragraph (a) of subsection (3) of section 267.075, Florida Statutes, is amended to read:

267.075 The Grove Advisory Council; creation; membership; purposes.—

(3)(a) The Grove Advisory Council shall be composed of eight members, as follows:

1. Five members shall be private citizens appointed by the Secretary of State.

2. One member shall be the Secretary director of the Division of Facilities Management of the Department of Management Services or his or her designee.

3. One member shall be the director of the Division of Historical Resources of the Department of State.

4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.

Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.

Section 25. Paragraph (a) of subsection (1) of section 272.18, Florida Statutes, is amended to read:

272.18 Governor's Mansion Commission.—

(1)(a) There is created within the Department of Management Services a Governor's Mansion Commission to be composed of eight members. Five members shall be private citizens appointed by the Governor and subject to confirmation by the Senate; one member shall be the Secretary Director of the Division of Facilities Management of the Department of Management Services or his or her designee; one member shall be the Director of the Division of Recreation and Parks of the Department of Environmental Protection; and one member shall be designated by the Secretary of State and shall be an employee of the Department of State with curatorial and museum expertise. The Governor shall appoint all citizen members for 4-year terms. The Governor shall fill vacancies for the remainder of unexpired terms. The spouse of the Governor or the designated representative of the Governor shall be an ex officio member of the commission but shall have no voting rights except in the case of a tie vote.

Section 26. Section 272.185, Florida Statutes, 1998 Supplement, is amended to read:

272.185 Maintenance of Governor's Mansion by Department of Management Services.—

(1) ~~POWERS AND DUTIES OF DEPARTMENT.—~~

(a) The Department of Management Services shall maintain all structures, furnishings, equipment, and grounds of the Governor's Mansion, except that the exterior facades; the landscaping of the grounds; the antique

furnishings in the private quarters; the interiors of the state rooms; and the articles of furniture, fixtures, and decorative objects used or displayed in the state rooms shall be maintained pursuant to the directives of the Governor's Mansion Commission.

(2)(b) The department shall insure the Governor's Mansion, its contents, and all structures and appurtenances thereto with the State Property Insurance Trust Fund as provided in s. 284.01. The department ~~may~~ is authorized to purchase any necessary insurance either by a primary insurance contract, excess coverage insurance, or reinsurance to cover the contents of the mansion, whether title of the contents is in the state or in any other person or entity not a resident of the mansion, notwithstanding the provision of s. 287.025.

(3)(c) The department shall have authority to contract and be contracted with for work and materials required.

(4)(d) The department shall keep a continuing and accurate inventory of all equipment and furnishings.

~~(2) FINANCING; BUDGETS.—The division shall submit its budgetary requirements to the Department of Management Services for its approval and inclusion in legislative budget requests.~~

Section 27. Section 273.02, Florida Statutes, is amended to read:

273.02 Record and inventory of certain property.—The word "property" as used in this section means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is ~~\$1,000~~ \$500 or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is \$25 or more, and hardback-covered bound books, the value or cost of which is ~~\$250~~ \$100 or more. Each item of property which it is practicable to identify by marking shall be marked in the manner required by the Auditor General. Each custodian shall maintain an adequate record of property in his or her custody, which record shall contain such information as shall be required by the Auditor General. Once each year, on July 1 or as soon thereafter as is practicable, and whenever there is a change of custodian, each custodian shall take an inventory of property in his or her custody. The inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled. All publicly supported libraries shall be exempt from marking hardback-covered bound books, as required by this section. The catalog and inventory control records maintained by each publicly supported library shall constitute the property record of hardback-covered bound books with a value or cost of \$25 or more included in each publicly supported library collection and shall serve as a perpetual inventory in lieu of an annual physical inventory. All books identified by these records as missing shall be traced and reconciled, and the library inventory shall be adjusted accordingly.

Section 28. Subsection (5) of section 273.055, Florida Statutes, 1998 Supplement, is amended to read:

273.055 Disposition of state-owned tangible personal property.—

(5) All moneys received ~~by the division~~ from the disposition of state-owned tangible personal property or from any agreement entered into under this chapter must be retained by the custodian and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures, and are appropriated for those purposes. The custodian shall maintain records of the accounts into which the money is deposited shall be deposited into the General Revenue Fund.

Section 29. Section 281.02, Florida Statutes, 1998 Supplement, is amended to read:

281.02 Powers and duties of the Department of Management Services, Florida Capitol Police.—The Department of Management Services, Florida Capitol Police, has the following powers and duties:

(1) To establish a comprehensive and ongoing plan for the firesafety and security of the Capitol, the Senate Office Building, the House Office Building, and the Historic Capitol, including, but not limited to, the institution of programs for the awareness and training in firesafety and security of members of the Legislature and their employees, and all other elected officials and their respective employees, who occupy such buildings. The Florida Capitol Police department shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to such buildings.

(2) To provide and maintain the firesafety and security of all state-owned property leased from the Department of Management Services, excluding state universities and custodial institutions, the Governor's office, the Governor's mansion and the grounds thereof, and the Supreme Court.

(3) To develop emergency procedures and evacuation routes in the event of fire or disaster and to make such procedures and routes known to those persons occupying state-owned buildings leased from the Department of Management Services.

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

(b) Guards and administrative, clerical, technical, and other personnel as may be required.

(5) To train agents and guards in fire prevention, firesafety, and emergency medical procedures.

(6) To respond to all complaints relating to criminal activity within state-owned buildings or state-leased property.

(7) To enforce rules of the Department of Management Services governing the regulation of traffic and parking on state-owned or state-leased property, including, but not limited to, issuing citations for the violation of such rules or the traffic laws of the state or any county or municipality and impounding illegally or wrongfully parked vehicles.

(8) To delegate its duties provided in this section to any state agency occupying such state-owned or state-leased property.

Section 30. Section 281.03, Florida Statutes, 1998 Supplement, is amended to read:

281.03 Investigations by the Florida Capitol Police department.—

(1) The Department of Management Services, Florida Capitol Police, shall conduct traffic accident investigations and investigations relating to felonies and misdemeanors occurring on state-owned or state-leased property. Any matters which are deemed to involve a felony may be referred to the appropriate law enforcement agency for criminal investigation. Such referrals shall include transmittal of records, reports, statements, and all other information relating to such matters.

(2) The Department of Management Services, Florida Capitol Police, shall retain copies of all reports relating to such criminal activity for use in the ongoing firesafety and security plan as required in s. 281.02.

Section 31. Section 281.04, Florida Statutes, 1998 Supplement, is amended to read:

281.04 Arrests by agents of department.—A person arrested by an agent of the Department of Management Services, Florida Capitol Police, shall be delivered to the sheriff of the county in which the arrest takes place.

Section 32. Section 281.05, Florida Statutes, 1998 Supplement, is amended to read:

281.05 Ex officio agents.—The Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, and law enforcement officers of counties and municipalities are ex officio agents of the Department of Management Services, Florida Capitol Police, and may, when authorized by the Florida Capitol Police department, enforce rules and laws applicable to the powers and duties of the Florida Capitol Police department to provide and maintain the security required by ss. 281.02-281.09.

Section 33. Section 281.06, Florida Statutes, 1998 Supplement, is amended to read:

281.06 Contracts with counties, municipalities, or licensed private security agencies.—The Department of Management Services, Florida Capitol Police, may contract with any county, municipality, or licensed private security agency to provide and maintain the security of state-owned or state-leased property required by ss. 281.02-281.09 upon such terms as the department may deem to be in the best interest of the state.

Section 34. Section 281.07, Florida Statutes, is amended to read:

281.07 Rules; Facilities Program, Florida Capitol Police Division of Capitol Police; traffic regulation.—

(1) The Department of Management Services shall adopt and promulgate rules to govern the administration, operation, and management of the Facilities Program, Florida Capitol Police Division of Capitol Police and to regulate traffic and parking on state-owned or state-leased property, which rules are not in conflict with any state law or county or municipal ordinance, and to carry out the provisions of ss. 281.02-281.09.

(2) Political subdivisions and municipalities may enact and enforce ordinances on the violation of traffic and parking rules provided in subsection (1).

Section 35. Section 281.08, Florida Statutes, 1998 Supplement, is amended to read:

281.08 Equipment.—

(1) The Department of Management Services, Florida Capitol Police, is specifically authorized to purchase, sell, trade, rent, lease, and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, and office space, and perform any other acts necessary for the proper administration and enforcement of ss. 281.02-281.09, pursuant to part I of chapter 287. The department may prescribe a distinctive uniform to be worn by personnel of the Florida Capitol Police in the performance of their duties pursuant to s. 281.02(3). The department may prescribe a distinctive emblem to be worn by all officers agents or guards of the Florida Capitol Police.

(2) It is unlawful for any unauthorized person to wear a uniform or emblem prescribed by the department for the Florida Capitol Police, or a similar uniform or emblem, or to impersonate, pretend, or represent himself or herself to be a police officer an agent or guard of the Florida Capitol Police. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Subsection (5) is added to section 282.105, Florida Statutes, 1998 Supplement, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of \$50 million.

Section 37. Subsections (1) and (3) of section 282.1095, Florida Statutes, 1998 Supplement, are amended to read:

282.1095 State agency law enforcement radio system.—

(1) The Department of Management Services may acquire and implement ~~For the purpose of acquiring and implementing~~ a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through a mutual aid channel., The Joint Task Force on State Agency Law Enforcement Communications is established in the Department of Management Services to advise the department of member-agency needs for the planning, designing, and establishment of the joint system. and The State Agency Law Enforcement Radio System Trust Fund is established in the Department of Management Services from July 1, 1988, through December 31, 2003. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 327.25.

(3) Upon appropriation, moneys in the trust fund may be used by the department joint task force to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 327.25 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department joint task force to provide for payment of the recurring maintenance costs of the system. During statewide implementation, Moneys in the trust fund may be appropriated used by the joint task force to maintain and enhance, over and above existing agency budgets, existing radio equipment systems of the state agencies represented by the task force members, in an amount not to exceed up to a maximum of 10 percent per year per agency, of the existing radio equipment inventory until the existing radio equipment can be replaced pursuant to implementation of the statewide radio communications system.

Section 38. Section 320.0802, Florida Statutes, is amended to read:

320.0802 Surcharges on license tax.—~~During the period January 1, 1989, through December 31, 2003,~~ There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of \$1, which shall be collected in the same manner as the license tax and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services. ~~However, the surcharge shall be terminated on midnight December 31, 1994, unless the pilot project established in s. 282.1095 is deemed successful by the joint task force with the concurrence of the Governor and Cabinet as the head of the Department of General Services.~~

Section 39. Subsection (9) of section 327.25, Florida Statutes, is amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(9) SURCHARGE.—~~In addition, during the period January 1, 1989, through December 31, 2003,~~ there is hereby levied and imposed on each vessel registration fee imposed under subsection (1) a surcharge in the amount of \$1, which shall be collected in the same manner as the fee and deposited into the State Agency Law Enforcement Radio System Trust Fund

of the Department of Management Services. ~~However, the surcharge shall be terminated on midnight December 31, 1994, unless the pilot project established in s. 282.1095 is deemed successful by the joint task force with the concurrence of the Governor and Cabinet as the head of the Department of Management Services.~~

Section 40. Section 282.322, Florida Statutes, 1998 Supplement, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. ~~At the end of each quarter and~~ Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 41. Subsection (3) of section 282.3091, Florida Statutes, 1998 Supplement, is amended to read:

282.3091 State Technology Council; creation.—

(3) The council shall be composed of nine members as follows:

~~(a) The director of the Governor's Office of Planning and Budgeting, who shall serve as chair of the council.~~

~~(a)(b)~~ The Comptroller.

~~(b)(c)~~ The Commissioner of Education.

~~(c)(d)~~ The Secretary of State.

~~(d)(e)~~ The secretary of the Department of Management Services, who shall service as chair of the council.

~~(e)(f)~~ Three ~~Two~~ state agency heads appointed by the Governor.

~~(f)(g)~~ Two private sector representatives, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, who are not current members of the Legislature. Private sector representatives shall, at a minimum, have a general knowledge of or experience in managing information technology resources. However, representatives of information technology resource vendors or any of their subsidiaries that sell products or services to the state shall not be appointed to serve as a private sector representative.

Members may appoint designees to serve on their behalf; however, such designees must be in a position that reports directly to the member.

Section 42. Subsection (4) of section 282.111, Florida Statutes, 1998 Supplement, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(4) The Secretary of Management Services or his or her designee ~~director of the division~~ is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

Section 43. Subsection (1) of section 287.017, Florida Statutes, 1998 Supplement, is amended to read:

287.017 Purchasing categories, threshold amounts; procedures for automatic adjustment by department.—

(1) The following purchasing categories are hereby created:

(a) CATEGORY ONE: \$15,000 ~~\$5,000~~.

(b) CATEGORY TWO: \$25,000 ~~\$15,000~~.

(c) CATEGORY THREE: \$50,000 ~~\$20,000~~.

(d) CATEGORY FOUR: \$150,000 ~~\$60,000~~.

(e) CATEGORY FIVE: \$250,000 ~~\$120,000~~.

Section 44. Paragraph (b) of subsection (2) and paragraph (b) of subsection (4) of section 287.042, Florida Statutes, 1998 Supplement, are amended to read:

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

(2)

(b) As an alternative to any provision in s. 120.57(3)(c), the department may proceed with the bid solicitation or contract award process of a term contract bid when the secretary of the department or his or her designee ~~director of the division~~ sets forth in writing particular facts and circumstances which demonstrate that the delay incident to staying the bid process or contract award process would be detrimental to the interests of the state. After the award of a contract resulting from a bid in which a timely protest was received and in which the state did not prevail, the contract may be canceled and reawarded to the prevailing party.

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

(b) Development of procedures for the releasing of requests for proposals, invitations to bid, and other competitive acquisitions which procedures shall include, but are not limited to, notice by publication in the Florida Administrative Weekly, on Government Services Direct, or by mail at least 10 days before the date set for submittal of proposals or bids. The Minority Business Advocacy and Assistance Office may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703 ~~Development of procedures for the releasing of requests for proposals and invitations to bid, which procedures shall include, but not be limited to, publication in the Florida Administrative Weekly or on the Florida Communities Network of notice for requests for proposals at least 28 days before the date set for submittal of proposals and publication of notice for invitations to bid at least 10 calendar days before the date set for submission of bids. An agency may waive the requirement for notice in the Florida Administrative Weekly or on the Florida Communities Network. Notice of the request for proposals shall be mailed to prospective offerors at least 28 calendar days prior to the date for submittal of proposals. Notice of the invitation to bid shall be mailed to prospective bidders at least 10 calendar days prior to the date set for submittal of bids. The Minority Business Advocacy and Assistance Office may consult with agencies regarding the development of bid distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 288.703.~~

Section 45. Paragraph (d) of subsection (3) of section 287.057, Florida Statutes, 1998 Supplement, is amended to read:

287.057 Procurement of commodities or contractual services.—

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

(d) When it is in the best interest of the state, the Secretary Department of Management Services or his or her designee may authorize the Support Program director ~~of the division~~ to purchase insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

Section 46. Subsection (1) of section 287.151, Florida Statutes, is amended to read:

287.151 Limitation on classes of motor vehicles procured.—

(1) All motor vehicles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class except vehicles used for law enforcement purposes by law enforcement officers of the state, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be of the smallest class that can safely and adequately meet the transportation requirements. ~~The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.~~

Section 47. Subsections (3) and (8) of section 287.16, Florida Statutes, 1998 Supplement, are amended and subsection (11) is added to said section, to read:

287.16 Powers and duties of department.—The Department of Management Services shall have the following powers, duties, and responsibilities:

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement, state fire marshal, or fire control purposes, to the Department of Management Services, including all right, title, interest, and equity therein.

(8) To require any state agency to keep records and make reports regarding aircraft and motor vehicles to the department as may be required. The Department of Highway Safety and Motor Vehicles may use the reporting system in effect on October 1, 1983, until July 1, 1984. Beginning July 1, 1984, the Department of Highway Safety and Motor Vehicles shall use a reporting system approved by the department. The Support Program division shall assist the Department of Highway Safety and Motor Vehicles in developing or implementing a reporting system prior to July 1, 1984, which

shall specifically address the needs and requirements of the Support Program ~~division~~ and the Department of Highway Safety and Motor Vehicles.

(11) To calculate biennially the break-even mileage at which it becomes cost-effective for the state to provide assigned motor vehicles to employees. The Support Program shall provide the information to agency heads and agency inspectors general to assist them in meeting the reporting requirements of s. 20.055.

Section 48. Section 287.17, Florida Statutes, is amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(1) The aircraft and motor vehicles owned, leased, or operated by any state agency, as defined in s. 287.012, shall be available for official state business only as authorized by agency heads, as defined in s. 287.012.

(2) The following criteria shall be considered in determining appropriate uses of motor vehicles and aircraft:

(a) Whether the use of a motor vehicle or aircraft is necessary to carry out state official or employee job assignments.

(b) Whether the use of a motor vehicle or aircraft is for transporting an employee, state official, or other person authorized by the agency head for purposes of conducting official state business or for purposes of performing services for the state.

(c) Whether the Department of Law Enforcement has been directed by the agency head to provide security or transportation pursuant to s. 281.20.

(d) Whether an emergency exists requiring the use of a motor vehicle or aircraft for the protection of life or property.

(3) The term “official state business” may not be construed to permit the use of a motor vehicle or aircraft for ~~personal business or~~ commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(4) An agency head, as defined in s. 287.012, shall comply with the following criteria for the special assignment of motor vehicles:

(a) An agency head may assign a motor vehicle to a state officer or employee only if the officer or employee is projected to drive the motor vehicle a minimum of 10,000 miles annually on official state business, unless an agency head annually provides written justification for the need of the assignment of a motor vehicle. Commuting mileage incidental to use of the motor vehicle on official state business shall be excluded from calculating the projected mileage. Priority in assigning motor vehicles shall be given to those employees who drive over 15,000 miles annually on state business.

(b) An agency head may assign motor vehicles to state officers and employees who perform duties related to law enforcement. However, the agency head shall not assign a pursuit motor vehicle to an officer or employee whose job duties do not routinely require performance of a patrol or law enforcement function requiring a pursuit vehicle.

(5) Each state agency's head shall, by December 31, 2000, conduct a review of motor vehicle utilization with oversight from the agency's inspector general. This review shall consist of two parts. The first part of the review shall determine the number of miles that each assigned motor vehicle has been driven on official state business in the past fiscal year. Commuting mileage shall be excluded from calculating vehicle use. The purpose of this review is to determine whether employees with assigned motor vehicles are driving the vehicles a sufficient number of miles to warrant continued vehicle assignment. The second part of the review shall identify employees who have driven personal vehicles extensively on state business in the past fiscal year. The purpose of this review is to determine whether it would be cost-effective to provide state motor vehicles to such employees. In making this determination, the inspector general shall use the break-even mileage criteria developed by the Department of Management Services. A copy of the review shall be presented to the Office of Program Policy Analysis and Government Accountability.

~~(6)~~⁽⁴⁾ A person who is not otherwise authorized in this section may accompany the Governor, the Lieutenant Governor, a member of the Cabinet, the President of the Senate, the Speaker of the House of Representatives, or the Chief Justice of the Supreme Court when such official is traveling on state aircraft for official state business and the aircraft is traveling with seats available. Transportation of a person accompanying any official specified in this subsection shall be approved by the official, who shall also guarantee payment of the transportation charges. When the person accompanying such official is not traveling on official state business as provided in this section, the transportation charge shall be a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such state aircraft. The spouse of any official specified in this subsection may, without payment of transportation charges, accompany the official when such official is traveling for official state business and the aircraft has seats available.

~~(7)~~⁽⁵⁾ It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. A person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 49. Section 287.18, Florida Statutes, is amended to read:

287.18 Repair and service of motor vehicles and aircraft.—The Secretary of Management Services or his or her designee ~~director of the Division of~~

~~Motor Pool~~ may require a department or any state agency having facilities for the repair of aircraft or motor vehicles and for the storage and distribution of gasoline and other petroleum products to repair aircraft and motor vehicles and to furnish gasoline and other petroleum products to any other department or agency and shall compensate for the cost of such services and products.

Section 50. Subsections (5) and (12) of section 365.171, Florida Statutes, 1998 Supplement, are amended to read:

365.171 Emergency telephone number “911.”—

(5) SYSTEM DIRECTOR.—~~The secretary of the department or his or her designee director of the division~~ is designated as the director of the statewide emergency telephone number “911” system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director is authorized to employ not less than five persons, three of whom will be at the professional level, one at the secretarial level, and one to fill a fiscal position, for the purpose of carrying out the provisions of this section. The director in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(12) FEDERAL ASSISTANCE.—~~The secretary of the department or his or her designee may director of the division is authorized to apply for and accept federal funding assistance in the development and implementation of a statewide emergency telephone number “911” system.~~

Section 51. Section 401.021, Florida Statutes, is amended to read:

401.021 System director.—The Secretary of Management Services or his or her designee ~~director of the Division of Communications~~ is designated as the director of the statewide telecommunications system of the regional emergency medical service and, for the purpose of carrying out the provisions of this part, is authorized to coordinate the activities of the telecommunications system with other interested state, county, local, and private agencies.

Section 52. Section 401.027, Florida Statutes, is amended to read:

401.027 Federal assistance.—The Secretary of Management Services or his or her designee ~~director of the Division of Communications~~ is authorized to apply for and accept federal funding assistance in the development and implementation of a statewide emergency medical telecommunications system.

Section 53. Subsection (1) of section 446.604, Florida Statutes, is amended to read:

446.604 One-Stop Career Centers.—

(1) The Department of Management Services shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up

of One-Stop Career Centers that are operated by the Department of Labor and Employment Security, the Department of Health and Rehabilitative Services, the Department of Education, and other authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support such electronic network for service delivery that includes Government Services Direct the Florida Communities Network.

Section 54. Paragraph (e) of subsection (3) of section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:

(e) Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. This paragraph applies to future and pending cases.

Section 55. Chapter 98-310, Laws of Florida, is repealed. The Department of Management Services has the authority to negotiate in the best interest of the state for air services to and from Tallahassee and other municipalities outside the state. Such negotiations may be undertaken without the benefit of the formal invitation to negotiate process. The department is exempt from the requirements of chapter 287, Florida Statutes, for the sole purpose of securing air travel services for the State of Florida in the most efficient and effective way possible.

Section 56. Sections 110.407 and 110.607, Florida Statutes, are repealed.

Section 57. Section 230.23162, Florida Statutes, 1998 Supplement, is amended to read:

230.23162 Residential public education facility.—

(1) Ownership of the facility and related assets authorized under former s. 985.402, is transferred to the Department of Management Services. The Department of Management Services shall direct change orders in existing construction contracts necessary to complete construction to the extent necessary to stabilize assets and prepare the facility for future utilization. The Department of Management Services shall provide administrative, site inspection, and security services as necessary to carry out the provisions of this section. The Department of Management Services shall have access to all state funds previously appropriated to the Alternative Education Institute for this purpose.

(a) The Department of Management Services shall continue to work with contractors to weatherize, close in, and stabilize the facility, protect the assets, and resolve any claims regarding the facility.

(b) The Department of Management Services should continue to facilitate interest by private entities or public entities capable of serving as either owner, occupant, or fiscal agent for a public-private partnership. Any entity, public, private, or a public-private partnership, must meet all of the criteria specified in the revised Department of Management Services Request for Proposal dated August 21, 1998, and issued pursuant to chapter 98-209, Laws of Florida.

(2) The Department of Management Services, in cooperation with the relevant state agencies, is directed to continue to receive and evaluate proposals for the use or transfer of the facility described in subsection (1) and, after taking into account local and state concerns and interests, may make a final disposition for use or transfer of such facility, subject to the notice, review, and objection procedures of s. 216.177. Any unexpended balance of funds appropriated from Specific Appropriation 2012A of chapter 94-357, Laws of Florida, remaining after dry-in and stabilization may be expended, consistent with the provisions of this section, for completion of the facility in connection with the disposition or transfer of the facility.

(a) The Department of Management Services shall continue to invite public-agency proposals and related funding requests, from either state or local agencies, to provide an education program for nonadjudicated youth, and also to continue to encourage other proposals and funding requests consistent with state and local community needs and concerns.

(b) Upon request, the Department of Management Services shall continue to work with project proposers who submitted proposals, and an addendum to proposals, to the working group pursuant to chapter 98-209, Laws of Florida.

(c) In considering proposals, the Department of Management Services and the Legislature shall take into account local and state interests and concerns.

~~(2)(a) A working group is formed to develop a plan for the use of the facility and to develop a request for proposals or request for information for operation of the program by a private contractor. The working group shall be composed of eight members: one member each from the Department of Education, Department of Juvenile Justice, and Department of Children and Family Services; one member appointed by the President of the Senate; one member appointed by the Speaker of the House of Representatives; one representative of the 13th judicial circuit of Hillsborough County, to be appointed by the Chief Circuit Judge; one representative of the Hillsborough School District, and one representative from local law enforcement to be appointed by the Sheriff of Hillsborough County. The Department of Education shall provide administrative support for the working group.~~

~~(b) The group shall assess needs of categories of clients served by the member agencies in evaluating possible uses for the facility in meeting the~~

needs of the clients. The group shall identify client categories that may be served through the use of the facility, shall outline a program structure, and shall make further recommendations, including a proposed private provider for implementation. The group should consider previous recommendations for use of the facility, and shall specifically consider the viability of prior proposals submitted for use of the facility in the fiscal year 1997-1998. The group shall be formed and activated when this act becomes law.

(3) ~~The Department of Management Services shall survey state agencies, and shall invite bids and proposals from state agencies, local government agencies, federal agencies, and the private sector for the use or disposition of the facility and related assets, no later than June 15, 1998. Notwithstanding any law to the contrary, the Department of Management Services shall set a deadline for receipt of bids and proposals of not less than 3 months after the invitation for bids and proposals is advertised. By October 1, 1998, the Department of Management Services shall evaluate all bids and proposals and make a recommendation to the working group created under this section regarding proposed uses for the facility, taking into account local and state interests and concerns.~~

(4) ~~Taking into consideration the recommendation of the Department of Management Services, and local and state concerns and interests, the working group shall, no later than November 1, 1998, make a final determination for the use or disposition of the facility and related assets planned, constructed, acquired, and equipped pursuant to Specific Appropriation 2012A of the 1994-1995 General Appropriations Act, and shall be disbanded upon that date. Such determination shall be subject to the notice, review, and objection procedures of s. 216.177. If the final determination made by the working group is objected to under s. 216.177, the final determination for the facility and related assets shall be made by the Legislature during the 1999 Regular Session.~~

Section 58. Subsection (8) of section 110.123, Florida Statutes, 1998 Supplement, is amended to read:

110.123 State group insurance program.—

(8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.—

(a) The Legislature may provide coverage for its members and employees under all or any part of the state group insurance program; may provide coverage for its members and employees under a legislative group insurance program in lieu of all or any part of the state group insurance program; and, notwithstanding the provisions of paragraph (4)(c), may assume the cost of any group insurance coverage provided to its members and employees.

(b) Effective July 1, 1999, any legislative member who terminates his or her elected service after July 1, 1999, after having vested in the state retirement system, may purchase coverage in the state group health insurance plan at the same premium cost as that for retirees and surviving spouses. Such legislators may also elect to continue coverage under the group term life insurance program prevailing for current members at the premium cost in effect for that plan.

Section 59. Subsection (4) of section 59 of Senate Bill 2502, enacted in the 1999 Regular Session of the Legislature, is repealed.

Section 60. This act shall take effect upon becoming a law.

Approved by the Governor June 30, 1999.

Filed in Office Secretary of State June 30, 1999.