

## Senate Bill No. 1738

An act relating to information technology; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; defining the term "information technology"; amending s. 287.012, F.S.; defining "invitation to negotiate" and "request for a quote"; amending s. 287.042, F.S.; providing challenge procedure; adding responses and quotes to category of items to which procedures are developed; tasking Department of Management Services with developing procedures to be used by agencies for issuing invitations and requests; identifying methods for securing bids, responses, quotes and proposals revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; providing for agency use of invitations to negotiate; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; amending s. 288.109, F.S.; substituting State Technology Office for Department of Management Services; providing for establishment and maintenance of a One-Stop Permitting System; amending ss. 288.1092 and 288.1093, F.S.; establishing the One-Stop Permitting System Grant Program and the Quick Permitting County Designation Program within the State Technology Office; amending s. 455.213, F.S.; providing for the content of licensure and renewal documents; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

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

Section 1. Section 120.551, Florida Statutes, is created to read:

120.551 Internet publication pilot project.—

(1) On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete notice required by law shall be published. The Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."

(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.

Section 2. Subsections (20), (21) and (22) of section 287.012, Florida Statutes, are created to read:

287.012 Definitions.—The following definitions shall apply in this part:

(20) “Invitation to negotiate” means a written solicitation that calls for responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(21) “Request for a quote” means a solicitation that calls for pricing information for purposes of competitively selecting and procuring commodities and contractual services from qualified or registered vendors.

(22) “Information Technology” means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

Section 3. Paragraph (d) of subsection (2) is created; paragraphs (b) and (c) of subsection (4), paragraphs (a) and (b) of subsection (5), paragraph (a) of subsection (16) and subsection (17) of section 287.042, Florida Statutes, are amended, and a new paragraph (f) of subsection (4) is created to read:

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

(2)

(d) The terms, conditions, and specifications of a request for proposal, request for quote, invitation to bid, or invitation to negotiate, including any provisions governing the methods for ranking proposals, awarding contracts, reserving rights of further negotiation, or the modification of amendment of any contract, are subject to challenge only by filing a protest within 72 hours after the notice of the terms, conditions, or specifications as provided in s. 120.57(3)(b).

(4)

(b) Development of procedures for the releasing of requests for proposals, requests for quotes, invitations to bid, invitations to negotiate, 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 Office of Supplier Diversity 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.

(c) Development of procedures for the receipt and opening of bids, responses, quotes, or proposals by an agency. Such procedures shall provide the Office of Supplier Diversity an opportunity to monitor and ensure that the contract award is consistent with the requirements of s. 287.09451

~~original request for proposal or invitation to bid, in accordance with s. 287.0945(6), and subject to the review of bid responses within standard timelines.~~

(f) Development of procedures to be used by an agency for issuing invitations to bid, invitations to negotiate, requests for proposal, requests for quote, or other competitive procurement processes.

~~(5)(a) To prescribe the methods of securing competitive sealed bids, responses, quotes, and proposals. Such methods may include, but are not limited to, procedures for identifying vendors; setting qualifications; evaluating responses, bids, and proposals; ranking respondents and proposers; selecting invitees and proposers; and conducting negotiations, or negotiating and awarding commodity and contractual services contracts, unless otherwise provided by law.~~

~~(b) To prescribe, in consultation with the State Technology Office by September 1, 1995, procedures for procuring information technology and information technology consultant services which provide for public announcement and qualification, competitive selection, competitive negotiation, contract award, and prohibition against contingent fees. Such procedures shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided for in s. 287.017, for CATEGORY TWO.~~

~~(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities or, information technology resources, or services that can be used by multiple agencies. However, the department shall consult with the State Technology Office on joint agreements that involve the purchase of information technology resources. Agencies entering into joint purchasing agreements with the department or the State Technology Office shall authorize the department or the State Technology Office to contract for such purchases on their behalf.~~

~~(17)(a) To evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, when it is determined to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing a state agency to make purchases under a contract approved by the department and let by the Federal Government, another state, or a political subdivision.~~

(b) For contracts pertaining to the provision of information technology, the State Technology Office, in consultation with the department, shall assess the technological needs of a particular agency, evaluate the contracts, and determine whether to enter into a written agreement with the letting federal, state, or political subdivision body to provide information technology for a particular agency.

Section 4. A new subsection (3) is created and subsequent subsections are renumbered, present subsections (3) and (22) are amended and subsection (23) of section 287.057, Florida Statutes, is created:

287.057 Procurement of commodities or contractual services.—

(3) If an agency determines that the use of an invitation to bid or a request for a proposal will not result in the best value to the state, based on factors, including, but not limited to, price, quality, design, and workmanship, the agency may procure commodities and contractual services by an invitation to negotiate. An agency may procure commodities and contractual services by a request for a quote from vendors under contract with the department.

(4)(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, or responses to an invitation to negotiate or a request for a quote unless:

(a) The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action. After the agency head makes such a written determination, the agency may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. The agency shall furnish copies of the written determination certified under oath and any other documents relating to the emergency action to the department. A copy of the statement shall be furnished to the Comptroller with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the department.

(b) Purchasing agreements and contracts executed by the department or by agencies under authority delegated by the department in writing are excepted from bid requirements.

(c) Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities or services are available only from a single source and such determination is documented. However, if such contract is for an amount greater than the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall file a certification of conditions and circumstances with the department and shall obtain the prior approval of the department. The failure of the department to approve or disapprove the request of an agency for prior approval within 21 days after receiving such request or within 14 days after receiving from the agency additional materials requested by the department shall constitute prior approval of the department. To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the department shall combine single-

source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount provided in s. 287.017 for CATEGORY FOUR, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.

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

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

(f) The following contractual services and commodities are not subject to the competitive sealed bid requirements of this section:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.
9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.49(1).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

(g) Continuing education events or programs that are offered to the general public and for which fees have been collected that pay all expenses associated with the event or program are exempt from competitive sealed bidding.

(22)(a) ~~The State Technology Office of the department shall develop a program for on-line procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, executive state agencies shall participate in the on-line procurement program, and other agencies may participate in the program.~~ Only bidders prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. The State Technology Office may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The State Technology Office, in consultation with the department, ~~shall may~~ adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for pre-qualifying bidders.

2. Establishing the procedures for conducting on-line procurement.

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

4. Establishing the procedures for providing access to on-line procurement.

5. Determining the criteria warranting any exceptions to participation in the on-line procurement program.

(c) The Department of Management Services and the State Technology Office may collect fees for the use of the on-line procurement systems. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of

the Department of Management Services and the State Technology Office. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.

(23)(a) The State Technology Office shall establish, in consultation with the department, state strategic information technology alliances for the acquisition and use of information technology and related material with prequalified contractors or partners to provide the state with efficient, cost-effective, and advanced information technology.

(b) In consultation with and under contract to the State Technology Office, the state strategic information technology alliances shall design, develop, and deploy projects providing the information technology needed to collect, store, and process the state's data and information, provide connectivity, and integrate and standardize computer networks and information systems of the state.

(c) The partners in the state strategic information technology alliances shall be industry leaders with demonstrated experience in the public and private sectors.

(d) The State Technology Office, in consultation with the Department of Management Services, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement the state strategic information technology alliances.

Section 5. Section 287.0731, Florida Statutes, is amended to read:

287.0731 Team for contract negotiations.—Contingent upon funding in the General Appropriations Act, the Department of Management Services, in consultation with the State Technology Office, shall establish a permanent team for contract negotiations including a chief negotiator, to specialize in the procurement of information technology resources.

Section 6. Subsections (1), (2), (6), and (8) of section 288.109, Florida Statutes, are amended, subsection (10) is deleted and subsequent subsections are renumbered to read:

288.109 One-Stop Permitting System.—

(1) By January 1, 2001 2000, the State Technology Office Department of Management Services must establish and implement an Internet site for the One-Stop Permitting System. The One-Stop Permitting System Internet site shall provide individuals and businesses with information concerning development permits; guidance on what development permits are needed for particular projects; permit requirements; and who may be contacted for more information concerning a particular development permit for a specific location. The office department shall design and construct the Internet site



and may competitively procure and contract for services to develop the site. In designing and constructing the Internet site, the office department must solicit input from potential users of the site.

(2) The office department shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the office department shall implement, in the most timely manner possible, the capabilities described in this subsection. The office department shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The office department may competitively procure and contract for services to develop such capabilities.

(6) The office department may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired. The 60-day period for approving or denying a complete application does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. However, the reviewing agency shall make a good-faith effort to act on such permit applications within 60 days.

~~(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386.~~

Section 7. Section 288.1092, Florida Statutes, is amended to read:

288.1092 One-Stop Permitting System Grant Program.—There is created within the State Technology Office Department of Management Services the One-Stop Permitting System Grant Program. The purpose of the

grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The office department shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The office department must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

Section 8. Section 288.1093, Florida Statutes, is amended to read:

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the State Technology Office Department of Management Services the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the chair of the board of county commissioners of the applying county must certify to the office Department of Management Services that the county meets the criteria specified in subsection (3).

(2) As used in this section, the term "development permitting" includes permits and approvals necessary for the physical location of a business, including, but not limited to:

- (a) Wetland or environmental resource permits.
- (b) Surface water management permits.
- (c) Stormwater permits.
- (d) Site plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the office department that the county has implemented the following best-management practices:

(a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;

- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

Section 9. Effective July 1, 2001, subsection (1) of section 455.213, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. Notwithstanding any other provision of law, the department is the sole authority for determining the contents of any documents to be submitted for initial licensure and licensure renewal. Such documents may contain information including, as appropriate: demographics, education, work history, personal background, criminal history, finances, business information, complaints, inspections, investigations, discipline, bonding, signature notarization, photographs, performance periods, reciprocity, local government approvals, supporting documentation, periodic reporting requirements, fingerprint requirements, continuing education requirements, and ongoing education monitoring. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national

examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

(11) Any submission required to be in writing may be made by electronic means.

Section 10. Paragraph (e) of subsection (1) of section 61.1826, Florida Statutes, is amended to read:

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

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

(e) The potential loss of substantial federal funds poses a direct and immediate threat to the health, safety, and welfare of the children and citizens of the state and constitutes an emergency for purposes of s. 287.057(4)(3)(a).

For these reasons, the Legislature hereby directs the Department of Revenue, subject to the provisions of subsection (6), to contract with the Florida Association of Court Clerks and each depository to perform duties with respect to the operation and maintenance of a State Disbursement Unit and the non-Title IV-D component of the State Case Registry as further provided by this section.

Section 11. Subsection (1) of section 287.022, Florida Statutes, is amended to read:

287.022 Purchase of insurance.—

(1) Insurance, while not a commodity, nevertheless shall be purchased for all agencies by the department, except that agencies may purchase title insurance for land acquisition and may make emergency purchases of insurance pursuant to s. 287.057(4)(3)(a). The procedures for purchasing insurance, whether the purchase is made by the department or by the agencies, shall be the same as those set forth herein for the purchase of commodities.

Section 12. Subsection (5) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(5) Unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the Comptroller may waive the requirements of this section for services which are included in s. 287.057(4)(3)(f).

Section 13. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(4)(3)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 14. Paragraph (a) of subsection (1) of section 394.47865, Florida Statutes, is amended to read:

394.47865 South Florida State Hospital; privatization.—

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

(a) Notwithstanding s. 287.057(13)(12), the department may enter into agreements, not to exceed 20 years, with a private provider, a coalition of providers, or another agency to finance, design, and construct a treatment facility having up to 350 beds and to operate all aspects of daily operations within the facility. The department may subcontract any or all components of this procurement to a statutorily established state governmental entity that has successfully contracted with private companies for designing, financing, acquiring, leasing, constructing, and operating major privatized state facilities.

Section 15. Subsections (1) and (5) of section 402.73, Florida Statutes, are amended to read:

**402.73 Contracting and performance standards.—**

(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(4)(3)(f), the department must competitively procure any contract for client services when any of the following occurs:

(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.

(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is \$300,000 or more.

(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.

Section 16. Paragraph (c) of subsection (5) of section 445.024, Florida Statutes, is amended to read:

**445.024 Work requirements.—**

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

(c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(4)(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the regional workforce board.

Section 17. Paragraph (d) of subsection (2) of section 455.2177, Florida Statutes, is amended to read:

**455.2177 Monitoring of compliance with continuing education requirements.—**

(2) If the compliance monitoring system required under this section is privatized, the following provisions apply:

(d) Upon the failure of a vendor to meet its obligations under a contract as provided in paragraph (a), the department may suspend the contract and enter into an emergency contract under s. 287.057(4)~~(3)~~.

Section 18. This act shall take effect upon becoming a law.

Approved by the Governor June 19, 2001.

Filed in Office Secretary of State June 19, 2001.