

Committee Substitute for Senate Bill No. 400

An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

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

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(23)

(c)1. The department may impose and shall collect all fees for the use of the on-line procurement systems. ~~Such~~ 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. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donations Trust Fund as provided by law.

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from such fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

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

Section 2. This act shall take effect July 1, 2005.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.