

CHAPTER 2011-45

Committee Substitute for Committee Substitute for Senate Bill No. 1314

An act relating to state financial matters; amending s. 216.011, F.S.; defining the term “lease or lease-purchase of equipment”; amending s. 216.023, F.S.; requiring that specified information relating to certain contracts be included in an agency’s legislative budget request; creating s. 216.313, F.S.; requiring certain state contracts to identify the appropriation that funds a contract; amending s. 287.056, F.S.; deleting a provision relating to an option to purchase commodities or contractual services from state term contracts; amending s. 45, chapter 2010-151, Laws of Florida; providing that certain contracts are subject to transaction fees; providing for application of the act to certain contracts and agreements; providing an effective date.

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

Section 1. Present paragraph (vv) of subsection (1) of section 216.011, Florida Statutes, is redesignated as paragraph (ww), and a new paragraph (vv) is added to that subsection, 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:

(vv) “Lease or lease-purchase of equipment” means the appropriations category used to fund the lease or lease-purchase of equipment, fixtures, and other tangible personal property.

Section 2. Present subsections (6) through (9) of section 216.023, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(6) As part of the legislative budget request, each state agency must include the following information for each contract in which the consideration to be paid to the agency is a percentage of the vendor revenue and in excess of \$10 million under the contract period:

(a) The name of the vendor.

(b) A brief description of the services provided by the vendor.

(c) The term of the contract and the years remaining on the contract.

(d) The amount of revenue generated or expected to be generated by the vendor under the contract for the prior fiscal year, the current fiscal year, and the next fiscal year.

(e) The amount of revenue remitted or expected to be remitted to the state agency by the vendor for the prior fiscal year, the current fiscal year, and the next fiscal year.

(f) The value of capital improvements, if any, on state property which have been funded by the vendor over the term of the contract.

(g) The remaining amount of capital improvements, if any, on state property which have not been fully amortized by June 30 of the prior fiscal year.

(h) The amount, if any, of state appropriations made to the state agency to pay for services provided by the vendor.

Section 3. Section 216.313, Florida Statutes, is created to read:

216.313 Contract appropriation; requirements.—An executive or judicial branch public officer or employee may not enter into any contract or agreement on behalf of the state or judicial branch which binds the state or its executive agencies or the judicial branch for the purchase of services or tangible personal property in excess of \$5 million unless the contract identifies the specific appropriation of state funds from which the state will make payment under the contract in the first year of the contract, unless the Legislature expressly authorizes the agency or the judicial branch to enter into such contract absent a specific appropriation of funds.

Section 4. Subsections (2) and (3) of section 287.056, Florida Statutes, are amended to read

287.056 Purchases from purchasing agreements and state term contracts.—

~~(2) Agencies may have the option to purchase commodities or contractual services from state term contracts procured, pursuant to s. 287.057, by the department.~~

~~(2)~~(3) Agencies and eligible users may use a request for quote to obtain written pricing or services information from a state term contract vendor for commodities or contractual services available on state term contract from that vendor. The purpose of a request for quote is to determine whether a price, term, or condition more favorable to the agency or eligible user than that provided in the state term contract is available. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

Section 5. Section 45 of chapter 2010-151, Laws of Florida, is amended to read:

Section 45. Contracts for academic program reviews, auditing services, health services, or Medicaid services are subject to the transaction or user fees imposed under ss. 287.042(1)(h) and 287.057(22), Florida Statutes, only to the extent that such contracts were ~~not~~ subject to such transaction or user fees before July 1, 2010.

Section 6. This act shall take effect July 1, 2011, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

Approved by the Governor May 26, 2011.

Filed in Office Secretary of State May 26, 2011.