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1 A bill to be entitled
 2 An act relating to procurement; amending s. 287.012, F.S.;
 3 revising, eliminating, and providing definitions; amending
 4 s. 287.017, F.S.; revising the threshold amounts for state
 5 purchasing categories; eliminating a requirement that the
 6 Department of Management Services adopt rules to adjust
 7 the threshold amounts; repealing s. 287.045, F.S.,
 8 relating to procurement of products and materials with
 9 recycled content; amending s. 287.057, F.S.; revising and
 10 organizing provisions relating to the procurement of
 11 commodities and contractual services by the state;
 12 specifying authorized uses for competitive solicitation
 13 processes; providing procedures and requirements with
 14 respect to competitive solicitation; specifying types of
 15 procurements for which invitations to bid, requests for
 16 proposals, and invitations to negotiate are to be utilized
 17 and providing procedures and requirements with respect
 18 thereto; revising contractual services and commodities
 19 that are not subject to competitive-solicitation
 20 requirements; prohibiting an agency from dividing the
 21 solicitation of commodities or contractual services in
 22 order to avoid specified requirements; authorizing a
 23 renewal of contracts for community-based care lead agency
 24 services for a specified term under certain conditions;
 25 eliminating eligibility of persons who receive specified
 26 contracts that were not subject to competitive procurement
 27 to contract with an agency for any other contracts dealing
 28 with the specific subject matter of the original contract;

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29 | amending s. 287.0571, F.S.; revising applicability of ss.
 30 | 287.0571-287.0574, F.S.; specifying procurements and
 31 | contracts to which s. 287.0571, F.S., relating to agency
 32 | business cases for outsourcing of specified projects, does
 33 | not apply; requiring an agency to complete a business case
 34 | for any outsourcing project with an expected cost in
 35 | excess of a specified amount within a single fiscal year;
 36 | providing for the submission of the business case in
 37 | accordance with provisions governing the submission of
 38 | agency legislative budget requests; providing that a
 39 | business case is not subject to challenge; providing
 40 | required components of a business case; specifying
 41 | required provisions for a contract for a proposed
 42 | outsourcing; repealing s. 287.05721, F.S.; eliminating
 43 | definitions; creating s. 287.0575, F.S.; establishing
 44 | duties and responsibilities of the Department of Children
 45 | and Family Services, the Agency for Persons with
 46 | Disabilities, the Department of Health, the Department of
 47 | Elderly Affairs, and the Florida Department of Veterans
 48 | Affairs, and service providers under contract to those
 49 | agencies, with respect to coordination of contracted
 50 | services; requiring state agencies contracting for health
 51 | and human services to notify their contract service
 52 | providers of certain requirements by a specified date or
 53 | upon entering into any new contract for health and human
 54 | services; requiring service providers that have more than
 55 | one contract with one or more state agencies to provide
 56 | health and human services to provide each of their

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57 | contract managers with a comprehensive list of their
 58 | health and human services contracts by a specified date;
 59 | specifying information to be contained in the list;
 60 | providing for assignment, by a specified date, of a single
 61 | lead administrative coordinator for each service provider
 62 | from among agencies having multiple health and human
 63 | services contracts; requiring the lead administrative
 64 | coordinator to provide notice of his or her designation to
 65 | the service provider and to the agency contract managers
 66 | for each affected contract; providing the method of
 67 | selection of lead administrative coordinator; providing
 68 | responsibilities of the designated lead administrative
 69 | coordinator; providing duties of contract managers for
 70 | agency contracts; providing nonapplicability; requiring
 71 | annual performance evaluations of designated lead
 72 | administrative coordinators by each agency contracting for
 73 | health and human services; providing for a report;
 74 | repealing s. 287.0573, F.S., which establishes the Council
 75 | on Efficient Government and provides membership and duties
 76 | thereof; repealing s. 287.0574, F.S.; eliminating
 77 | provisions relating to business cases to outsource, review
 78 | and analysis conducted thereunder, and requirements
 79 | thereof that are relocated in other sections of Florida
 80 | Statutes set forth in this act; amending ss. 283.32 and
 81 | 403.7065, F.S.; conforming provisions to the repeal of s.
 82 | 287.045, F.S.; relating to procurement of products and
 83 | materials with recycled content; amending ss. 14.204,
 84 | 43.16, 61.1826, 112.3215, 255.25, 283.33, 286.0113,

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85 287.022, 287.058, 287.059, 295.187, 394.457, 394.47865,
 86 402.40, 402.7305, 408.045, 427.0135, 445.024, 481.205,
 87 570.07, 627.311, 627.351, 765.5155, 893.055, and 1013.38,
 88 F.S, s. 21, ch. 2009-55, Laws of Florida, and s. 31, ch.
 89 2009-223, Laws of Florida; conforming cross-references;
 90 providing an effective date.

91
 92 Be It Enacted by the Legislature of the State of Florida:

93
 94 Section 1. Section 287.012, Florida Statutes, is amended
 95 to read:

96 287.012 Definitions.—As used in this part, the term:

97 (1) "Agency" means any of the various state officers,
 98 departments, boards, commissions, divisions, bureaus, and
 99 councils and any other unit of organization, however designated,
 100 of the executive branch of state government. "Agency" does not
 101 include the university and college boards of trustees or the
 102 state universities and colleges.

103 (2) "Agency head" means, with respect to an agency headed
 104 by a collegial body, the executive director or chief
 105 administrative officer of the agency.

106 ~~(3) "Artist" means an individual or group of individuals~~
 107 ~~who profess and practice a demonstrated creative talent and~~
 108 ~~skill in the area of music, dance, drama, folk art, creative~~
 109 ~~writing, painting, sculpture, photography, graphic arts, craft~~
 110 ~~arts, industrial design, costume design, fashion design, motion~~
 111 ~~pictures, television, radio, or tape and sound recording or in~~
 112 ~~any other related field.~~

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113 ~~(3)-(4)~~ "Best value" means the highest overall value to the
 114 state based on objective factors that include, but are not
 115 limited to, price, quality, design, and workmanship.

116 ~~(4)-(5)~~ "Commodity" means any of the various supplies,
 117 materials, goods, merchandise, food, equipment, information
 118 technology, and other personal property, including a mobile
 119 home, trailer, or other portable structure with floor space of
 120 less than 5,000 square feet, purchased, leased, or otherwise
 121 contracted for by the state and its agencies. "Commodity" also
 122 includes interest on deferred-payment commodity contracts
 123 approved pursuant to s. 287.063 entered into by an agency for
 124 the purchase of other commodities. However, commodities
 125 purchased for resale are excluded from this definition. ~~Further,~~
 126 ~~a prescribed drug, medical supply, or device required by a~~
 127 ~~licensed health care provider as a part of providing health~~
 128 ~~services involving examination, diagnosis, treatment,~~
 129 ~~prevention, medical consultation, or administration for clients~~
 130 ~~at the time the service is provided is not considered to be a~~
 131 ~~"commodity."~~ Printing of publications shall be considered a
 132 commodity when let upon contract pursuant to s. 283.33, whether
 133 purchased for resale or not.

134 ~~(5)-(6)~~ "Competitive solicitation sealed bids,"
 135 ~~"competitive sealed proposals," or "competitive sealed replies"~~
 136 means the process of requesting and receiving two or more sealed
 137 bids, proposals, or replies submitted by responsive vendors in
 138 accordance with the terms of a competitive process, regardless
 139 of the method of procurement and includes bids, proposals, or
 140 ~~replies transmitted by electronic means in lieu of or in~~

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141 ~~addition to written bids, proposals, or replies.~~

142 ~~(7) "Competitive solicitation" or "solicitation" means an~~
 143 ~~invitation to bid, a request for proposals, or an invitation to~~
 144 ~~negotiate.~~

145 (6)~~(8)~~ "Contractor" means a person who contracts to sell
 146 commodities or contractual services to an agency.

147 (7)~~(9)~~ "Contractual service" means the rendering by a
 148 contractor of its time and effort rather than the furnishing of
 149 specific commodities. The term applies only to those services
 150 rendered by individuals and firms who are independent
 151 contractors, and such services may include, but are not limited
 152 to, evaluations; consultations; maintenance; accounting;
 153 security; management systems; management consulting; educational
 154 training programs; research and development studies or reports
 155 on the findings of consultants engaged thereunder; and
 156 professional, technical, and social services. "Contractual
 157 service" does not include any contract for the furnishing of
 158 labor or materials for the construction, renovation, repair,
 159 modification, or demolition of any facility, building, portion
 160 of building, utility, park, parking lot, or structure or other
 161 improvement to real property entered into pursuant to chapter
 162 255 and rules adopted thereunder.

163 (8)~~(10)~~ "Department" means the Department of Management
 164 Services.

165 (9)~~(11)~~ "Electronic posting" or "electronically post"
 166 means the noticing ~~posting~~ of solicitations, agency decisions or
 167 intended decisions, or other matters relating to procurement on
 168 a centralized Internet website designated by the department for

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169 this purpose.

170 (10)~~(12)~~ "Eligible user" means any person or entity
 171 authorized by the department pursuant to rule to purchase from
 172 state term contracts or to use the online procurement system.

173 (11)~~(13)~~ "Exceptional purchase" means any purchase of
 174 commodities or contractual services excepted by law or rule from
 175 the requirements for competitive solicitation, including, but
 176 not limited to, purchases from a single source; purchases upon
 177 receipt of less than two responsive bids, proposals, or replies;
 178 purchases made by an agency, after receiving approval from the
 179 department, from a contract procured, pursuant to s. 287.057(1),
 180 ~~(2), or (3),~~ or by another agency; and purchases made without
 181 advertisement in the manner required by s. 287.042(3)(b).

182 (12)~~(14)~~ "Extension" means an increase in the time allowed
 183 for the contract period due to circumstances which, without
 184 fault of either party, make performance impracticable or
 185 impossible, or which prevent a new contract from being executed,
 186 with or without a proportional increase in the total dollar
 187 amount, with any increase to be based on the method and rate
 188 previously established in the contract.

189 (13)~~(15)~~ "Information technology" has the meaning ascribed
 190 in s. 282.0041.

191 (14)~~(16)~~ "Invitation to bid" means a written or
 192 electronically posted solicitation for competitive sealed bids.
 193 ~~The invitation to bid is used when the agency is capable of~~
 194 ~~specifically defining the scope of work for which a contractual~~
 195 ~~service is required or when the agency is capable of~~
 196 ~~establishing precise specifications defining the actual~~

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197 ~~commodity or group of commodities required. A written~~
 198 ~~solicitation includes a solicitation that is electronically~~
 199 ~~posted.~~

200 ~~(15)-(17)~~ "Invitation to negotiate" means a written or
 201 electronically posted solicitation for competitive sealed
 202 replies to select one or more vendors with which to commence
 203 negotiations for the procurement of commodities or contractual
 204 services. ~~The invitation to negotiate is used when the agency~~
 205 ~~determines that negotiations may be necessary for the state to~~
 206 ~~receive the best value. A written solicitation includes a~~
 207 ~~solicitation that is electronically posted.~~

208 ~~(16)-(18)~~ "Minority business enterprise" has the meaning
 209 ascribed in s. 288.703.

210 ~~(17)-(19)~~ "Office" means the Office of Supplier Diversity
 211 of the Department of Management Services.

212 ~~(18)~~ "Outsource" means the process of contracting with a
 213 vendor to provide a service as defined in s. 216.011(1)(f), in
 214 whole or in part, or an activity as defined in s.
 215 216.011(1)(rr), while a state agency retains the responsibility
 216 and accountability for the service or activity and there is a
 217 transfer of management responsibility for the delivery of
 218 resources and the performance of those resources.

219 ~~(19)-(20)~~ "Renewal" means contracting with the same
 220 contractor for an additional contract period after the initial
 221 contract period, only if pursuant to contract terms specifically
 222 providing for such renewal.

223 ~~(20)-(21)~~ "Request for information" means a written or
 224 electronically posted request made by an agency to vendors for

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225 information concerning commodities or contractual services.
 226 Responses to these requests are not offers and may not be
 227 accepted by the agency to form a binding contract.

228 (21)~~(22)~~ "Request for proposals" means a written or
 229 electronically posted solicitation for competitive sealed
 230 proposals. ~~The request for proposals is used when it is not~~
 231 ~~practicable for the agency to specifically define the scope of~~
 232 ~~work for which the commodity, group of commodities, or~~
 233 ~~contractual service is required and when the agency is~~
 234 ~~requesting that a responsible vendor propose a commodity, group~~
 235 ~~of commodities, or contractual service to meet the~~
 236 ~~specifications of the solicitation document. A written~~
 237 ~~solicitation includes a solicitation that is electronically~~
 238 ~~posted.~~

239 (22)~~(23)~~ "Request for a quote" means an oral or written
 240 request for written pricing or services information from a state
 241 term contract vendor for commodities or contractual services
 242 available on a state term contract from that vendor.

243 (23)~~(24)~~ "Responsible vendor" means a vendor who has the
 244 capability in all respects to fully perform the contract
 245 requirements and the integrity and reliability that will assure
 246 good faith performance.

247 (24)~~(25)~~ "Responsive bid," "responsive proposal," or
 248 "responsive reply" means a bid, or proposal, or reply submitted
 249 by a responsive and responsible vendor that conforms in all
 250 material respects to the solicitation.

251 (25)~~(26)~~ "Responsive vendor" means a vendor that has
 252 submitted a bid, proposal, or reply that conforms in all

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253 material respects to the solicitation.

254 ~~(26)~~~~(27)~~ "State term contract" means a term contract that
 255 is competitively procured by the department pursuant to s.
 256 287.057 and that is used by agencies and eligible users pursuant
 257 to s. 287.056.

258 ~~(27)~~~~(28)~~ "Term contract" means an indefinite quantity
 259 contract to furnish commodities or contractual services during a
 260 defined period.

261 Section 2. Section 287.017, Florida Statutes, is amended
 262 to read:

263 287.017 Purchasing categories, threshold amounts~~;~~
 264 ~~procedures for automatic adjustment by department.~~

265 ~~(1)~~ The following purchasing categories are hereby
 266 created:

267 ~~(1)~~~~(a)~~ CATEGORY ONE: \$20,000 ~~\$15,000~~.

268 ~~(2)~~~~(b)~~ CATEGORY TWO: \$35,000 ~~\$25,000~~.

269 ~~(3)~~~~(c)~~ CATEGORY THREE: \$65,000 ~~\$50,000~~.

270 ~~(4)~~~~(d)~~ CATEGORY FOUR: \$195,000 ~~\$150,000~~.

271 ~~(5)~~~~(e)~~ CATEGORY FIVE: \$325,000 ~~\$250,000~~.

272 ~~(2)~~ ~~The department shall adopt rules to adjust the amounts~~
 273 ~~provided in subsection (1) based upon the rate of change of a~~
 274 ~~nationally recognized price index. Such rules shall include, but~~
 275 ~~not be limited to, the following:~~

276 ~~(a)~~ ~~Designation of the nationally recognized price index~~
 277 ~~or component thereof used to calculate the proper adjustment~~
 278 ~~authorized in this section.~~

279 ~~(b)~~ ~~The procedure for rounding results.~~

280 ~~(c)~~ ~~The effective date of each adjustment based upon the~~

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281 ~~previous calendar year data.~~
 282 Section 3. Section 287.045, Florida Statutes, is repealed.
 283 Section 4. Section 287.057, Florida Statutes, is amended
 284 to read:
 285 287.057 Procurement of commodities or contractual
 286 services.—
 287 (1) PROCUREMENT PROCESSES.—The competitive solicitation
 288 processes authorized in this section shall be used for
 289 procurement of commodities or contractual services in excess of
 290 the threshold amount provided for CATEGORY TWO in s. 287.017.
 291 Any competitive solicitation shall be made available
 292 simultaneously to all vendors, must include the time and date
 293 for the receipt of bids, proposals, or replies and of the public
 294 opening, and must include all contractual terms and conditions
 295 applicable to the procurement, including the criteria to be used
 296 in determining acceptability and relative merit of the bid,
 297 proposal, or reply.
 298 (a) Invitation to bid.—The invitation to bid shall be used
 299 when the agency is capable of specifically defining the scope of
 300 work for which a contractual service is required or when the
 301 agency is capable of establishing precise specifications
 302 defining the actual commodity or group of commodities required.
 303 1. All invitations to bid must include:
 304 a. A detailed description of the commodities or
 305 contractual services sought; and
 306 b. If the agency contemplates renewal of the contract, a
 307 statement to that effect.
 308 2. Bids submitted in response to an invitation to bid in

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309 which the agency contemplates renewal of the contract must
 310 include the price for each year for which the contract may be
 311 renewed.

312 3. Evaluation of bids shall include consideration of the
 313 total cost for each year of the contract, including renewal
 314 years, as submitted by the vendor.

315 (b) Request for proposals.—An agency shall use a request
 316 for proposals when the purposes and uses for which the
 317 commodity, group of commodities, or contractual service being
 318 sought can be specifically defined and the agency is capable of
 319 identifying necessary deliverables. Various combinations or
 320 versions of commodities or contractual services may be proposed
 321 by a responsive vendor to meet the specifications of the
 322 solicitation document.

323 1. Before issuing a request for proposals, the agency must
 324 determine and specify in writing the reasons that procurement by
 325 invitation to bid is not practicable.

326 2. All requests for proposals must include:

327 a. A statement describing the commodities or contractual
 328 services sought;

329 b. The relative importance of price and other evaluation
 330 criteria; and

331 c. If the agency contemplates renewal of the contract, a
 332 statement to that effect.

333 3. Criteria that will be used for evaluation of proposals
 334 shall include, but are not limited to:

335 a. Price, which must be specified in the proposal;

336 b. If the agency contemplates renewal of the contract, the

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337 price for each year for which the contract may be renewed; and

338 c. Consideration of the total cost for each year of the
 339 contract, including renewal years, as submitted by the vendor.

340 4. The contract shall be awarded by written notice to the
 341 responsible and responsive vendor whose proposal is determined
 342 in writing to be the most advantageous to the state, taking into
 343 consideration the price and other criteria set forth in the
 344 request for proposals. The contract file shall contain
 345 documentation supporting the basis on which the award is made.

346 (c) Invitation to negotiate.—The invitation to negotiate
 347 is a solicitation used by an agency intended to determine the
 348 best method for achieving a specific goal or solving a
 349 particular problem and that identifies one or more responsive
 350 vendors with which the agency may negotiate in order to receive
 351 the best value.

352 1. Before issuing an invitation to negotiate, the head of
 353 an agency must determine and specify in writing the reasons that
 354 procurement by either an invitation to bid or a request for
 355 proposal is not practicable.

356 2. The invitation to negotiate must describe the questions
 357 being explored, the facts being sought, and the specific goals
 358 or problems that are the subject of the solicitation.

359 3. The criteria that will be used for determining the
 360 acceptability of the reply and guiding the selection of the
 361 vendors with which the agency will negotiate must be specified.

362 4. The agency shall evaluate and rank responsive replies
 363 against all evaluation criteria set forth in the invitation to
 364 negotiate and shall, based on the ranking, select one or more

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365 vendors with which to commence negotiations. After negotiations
 366 are conducted, the agency shall award the contract to the
 367 responsible and responsive vendor that the agency determines
 368 will provide the best value to the state.

369 5. The contract file for a vendor selected through an
 370 invitation to negotiate must contain a short plain statement
 371 that explains the basis for the selection of the vendor and that
 372 sets forth the vendor's deliverables and price, pursuant to the
 373 contract, with an explanation of how these deliverables and
 374 price provide the best value to the state.

375 ~~(1) (a) Unless otherwise authorized by law, all contracts~~
 376 ~~for the purchase of commodities or contractual services in~~
 377 ~~excess of the threshold amount provided in s. 287.017 for~~
 378 ~~CATEGORY TWO shall be awarded by competitive sealed bidding. An~~
 379 ~~invitation to bid shall be made available simultaneously to all~~
 380 ~~vendors and must include a detailed description of the~~
 381 ~~commodities or contractual services sought; the time and date~~
 382 ~~for the receipt of bids and of the public opening; and all~~
 383 ~~contractual terms and conditions applicable to the procurement,~~
 384 ~~including the criteria to be used in determining acceptability~~
 385 ~~of the bid. If the agency contemplates renewal of the contract,~~
 386 ~~that fact must be stated in the invitation to bid. The bid shall~~
 387 ~~include the price for each year for which the contract may be~~
 388 ~~renewed. Evaluation of bids shall include consideration of the~~
 389 ~~total cost for each year as submitted by the vendor. Criteria~~
 390 ~~that were not set forth in the invitation to bid may not be used~~
 391 ~~in determining acceptability of the bid.~~

392 ~~(b) The contract shall be awarded with reasonable~~

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393 ~~promptness by written notice to the responsible and responsive~~
 394 ~~vendor that submits the lowest responsive bid. This bid must be~~
 395 ~~determined in writing to meet the requirements and criteria set~~
 396 ~~forth in the invitation to bid.~~

397 ~~(2) (a) If an agency determines in writing that the use of~~
 398 ~~an invitation to bid is not practicable, commodities or~~
 399 ~~contractual services shall be procured by competitive sealed~~
 400 ~~proposals. A request for proposals shall be made available~~
 401 ~~simultaneously to all vendors, and must include a statement of~~
 402 ~~the commodities or contractual services sought; the time and~~
 403 ~~date for the receipt of proposals and of the public opening; and~~
 404 ~~all contractual terms and conditions applicable to the~~
 405 ~~procurement, including the criteria, which shall include, but~~
 406 ~~need not be limited to, price, to be used in determining~~
 407 ~~acceptability of the proposal. The relative importance of price~~
 408 ~~and other evaluation criteria shall be indicated. If the agency~~
 409 ~~contemplates renewal of the commodities or contractual services~~
 410 ~~contract, that fact must be stated in the request for proposals.~~
 411 ~~The proposal shall include the price for each year for which the~~
 412 ~~contract may be renewed. Evaluation of proposals shall include~~
 413 ~~consideration of the total cost for each year as submitted by~~
 414 ~~the vendor.~~

415 ~~(b) The contract shall be awarded to the responsible and~~
 416 ~~responsive vendor whose proposal is determined in writing to be~~
 417 ~~the most advantageous to the state, taking into consideration~~
 418 ~~the price and the other criteria set forth in the request for~~
 419 ~~proposals. The contract file shall contain documentation~~
 420 ~~supporting the basis on which the award is made.~~

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421 ~~(3)(a) If the agency determines in writing that the use of~~
 422 ~~an invitation to bid or a request for proposals will not result~~
 423 ~~in the best value to the state, the agency may procure~~
 424 ~~commodities and contractual services by competitive sealed~~
 425 ~~replies. The agency's written determination must specify reasons~~
 426 ~~that explain why negotiation may be necessary in order for the~~
 427 ~~state to achieve the best value and must be approved in writing~~
 428 ~~by the agency head or his or her designee prior to the~~
 429 ~~advertisement of an invitation to negotiate. An invitation to~~
 430 ~~negotiate shall be made available to all vendors simultaneously~~
 431 ~~and must include a statement of the commodities or contractual~~
 432 ~~services sought; the time and date for the receipt of replies~~
 433 ~~and of the public opening; and all terms and conditions~~
 434 ~~applicable to the procurement, including the criteria to be used~~
 435 ~~in determining the acceptability of the reply. If the agency~~
 436 ~~contemplates renewal of the contract, that fact must be stated~~
 437 ~~in the invitation to negotiate. The reply shall include the~~
 438 ~~price for each year for which the contract may be renewed.~~

439 ~~(b) The agency shall evaluate and rank responsive replies~~
 440 ~~against all evaluation criteria set forth in the invitation to~~
 441 ~~negotiate and shall select, based on the ranking, one or more~~
 442 ~~vendors with which to commence negotiations. After negotiations~~
 443 ~~are conducted, the agency shall award the contract to the~~
 444 ~~responsible and responsive vendor that the agency determines~~
 445 ~~will provide the best value to the state. The contract file must~~
 446 ~~contain a short plain statement that explains the basis for~~
 447 ~~vendor selection and that sets forth the vendor's deliverables~~
 448 ~~and price, pursuant to the contract, with an explanation of how~~

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449 ~~these deliverables and price provide the best value to the~~
 450 ~~state.~~

451 (2)~~(4)~~ Prior to the time for receipt of bids, proposals,
 452 or replies, an agency may conduct a conference or written
 453 question and answer period for purposes of assuring the vendor's
 454 full understanding of the solicitation requirements. The vendors
 455 shall be accorded fair and equal treatment.

456 (3)~~(5)~~ When the purchase price of commodities or
 457 contractual services exceeds the threshold amount provided in s.
 458 287.017 for CATEGORY TWO, no purchase of commodities or
 459 contractual services may be made without receiving competitive
 460 sealed bids, competitive sealed proposals, or competitive sealed
 461 replies unless:

462 (a) The agency head determines in writing that an
 463 immediate danger to the public health, safety, or welfare or
 464 other substantial loss to the state requires emergency action.
 465 After the agency head makes such a written determination, the
 466 agency may proceed with the procurement of commodities or
 467 contractual services necessitated by the immediate danger,
 468 without receiving competitive sealed bids, competitive sealed
 469 proposals, or competitive sealed replies. However, such
 470 emergency procurement shall be made by obtaining pricing
 471 information from at least two prospective vendors, which must be
 472 retained in the contract file, unless the agency determines in
 473 writing that the time required to obtain pricing information
 474 will increase the immediate danger to the public health, safety,
 475 or welfare or other substantial loss to the state. The agency
 476 shall furnish copies of all written determinations certified

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477 | under oath and any other documents relating to the emergency
 478 | action to the department. A copy of the statement shall be
 479 | furnished to the Chief Financial Officer with the voucher
 480 | authorizing payment. The individual purchase of personal
 481 | clothing, shelter, or supplies which are needed on an emergency
 482 | basis to avoid institutionalization or placement in a more
 483 | restrictive setting is an emergency for the purposes of this
 484 | paragraph, and the filing with the department of such statement
 485 | is not required in such circumstances. In the case of the
 486 | emergency purchase of insurance, the period of coverage of such
 487 | insurance shall not exceed a period of 30 days, and all such
 488 | emergency purchases shall be reported to the department.

489 | (b) The purchase is made by an agency from a state term
 490 | contract procured, pursuant to this section, by the department
 491 | or by an agency, after receiving approval from the department,
 492 | from a contract procured, pursuant to subsection (1), ~~subsection~~
 493 | ~~(2), or subsection (3),~~ by another agency.

494 | (c) Commodities or contractual services available only
 495 | from a single source may be excepted from the competitive-
 496 | solicitation requirements. When an agency believes that
 497 | commodities or contractual services are available only from a
 498 | single source, the agency shall electronically post a
 499 | description of the commodities or contractual services sought
 500 | for a period of at least 7 business days. The description must
 501 | include a request that prospective vendors provide information
 502 | regarding their ability to supply the commodities or contractual
 503 | services described. If it is determined in writing by the
 504 | agency, after reviewing any information received from

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505 prospective vendors, that the commodities or contractual
 506 services are available only from a single source, the agency
 507 shall:

508 1. Provide notice of its intended decision to enter a
 509 single-source purchase contract in the manner specified in s.
 510 120.57(3), if the amount of the contract does not exceed the
 511 threshold amount provided in s. 287.017 for CATEGORY FOUR.

512 2. Request approval from the department for the single-
 513 source purchase, if the amount of the contract exceeds the
 514 threshold amount provided in s. 287.017 for CATEGORY FOUR. The
 515 agency shall initiate its request for approval in a form
 516 prescribed by the department, which request may be
 517 electronically transmitted. The failure of the department to
 518 approve or disapprove the agency's request for approval within
 519 21 days after receiving such request shall constitute prior
 520 approval of the department. If the department approves the
 521 agency's request, the agency shall provide notice of its
 522 intended decision to enter a single-source contract in the
 523 manner specified in s. 120.57(3).

524 (d) When it is in the best interest of the state, the
 525 secretary of the department or his or her designee may authorize
 526 the Support Program to purchase insurance by negotiation, but
 527 such purchase shall be made only under conditions most favorable
 528 to the public interest.

529 (e) Prescriptive assistive devices for the purpose of
 530 medical, developmental, or vocational rehabilitation of clients
 531 are excepted from competitive-solicitation requirements and
 532 shall be procured pursuant to an established fee schedule or by

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533 any other method which ensures the best price for the state,
 534 taking into consideration the needs of the client. Prescriptive
 535 assistive devices include, but are not limited to, prosthetics,
 536 orthotics, and wheelchairs. For purchases made pursuant to this
 537 paragraph, state agencies shall annually file with the
 538 department a description of the purchases and methods of
 539 procurement.

540 (f) The following contractual services and commodities are
 541 not subject to the competitive-solicitation requirements of this
 542 section:

543 1. Artistic services. For the purposes of this subsection,
 544 the term "artistic services" does not include advertising. As
 545 used in this subparagraph, the term "advertising" means the
 546 making of a representation in any form in connection with a
 547 trade, business, craft, or profession in order to promote the
 548 supply of commodities or services by the person promoting the
 549 commodities or contractual services.

550 2. Academic program reviews.

551 3. Lectures by individuals.

552 4. Auditing services.

553 5. Legal services, including attorney, paralegal, expert
 554 witness, appraisal, or mediator services.

555 6. Health services involving examination, diagnosis,
 556 treatment, prevention, or medical consultation, when such
 557 services are offered to eligible individuals participating in a
 558 specific program that qualifies multiple providers and utilizes
 559 a standard payment methodology ~~or administration.~~

560 ~~7. Services provided to persons with mental or physical~~

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561 ~~disabilities by not-for-profit corporations which have obtained~~
 562 ~~exemptions under the provisions of s. 501(c)(3) of the United~~
 563 ~~States Internal Revenue Code or when such services are governed~~
 564 ~~by the provisions of Office of Management and Budget Circular A-~~
 565 ~~122. However, in acquiring such services, the agency shall~~
 566 ~~consider the ability of the vendor, past performance,~~
 567 ~~willingness to meet time requirements, and price.~~

568 7.8. Medicaid services delivered to an eligible Medicaid
 569 recipient unless the agency is directed otherwise in law by a
 570 health care provider who has not previously applied for and
 571 received a Medicaid provider number from the Agency for Health
 572 Care Administration. However, this exception shall be valid for
 573 a period not to exceed 90 days after the date of delivery to the
 574 Medicaid recipient and shall not be renewed by the agency.

575 8.9. Family placement services.

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

582 9.11. Training and education services provided to injured
 583 employees pursuant to s. 440.491(6).

584 ~~10.12.~~ Contracts entered into pursuant to s. 337.11.

585 ~~11.13.~~ Services or commodities provided by governmental
 586 agencies.

587 (g) Continuing education events or programs that are
 588 offered to the general public and for which fees have been

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589 collected that pay all expenses associated with the event or
 590 program are exempt from requirements for competitive
 591 solicitation.

592 (4)~~(6)~~ If less than two responsive bids, proposals, or
 593 replies for commodity or contractual services purchases are
 594 received, the department or other agency may negotiate on the
 595 best terms and conditions. The department or other agency shall
 596 document the reasons that such action is in the best interest of
 597 the state in lieu of resoliciting competitive sealed bids,
 598 proposals, or replies. Each agency shall report all such actions
 599 to the department on a quarterly basis, in a manner and form
 600 prescribed by the department.

601 (5)~~(7)~~ Upon issuance of any solicitation, an agency shall,
 602 upon request by the department, forward to the department one
 603 copy of each solicitation for all commodity and contractual
 604 services purchases in excess of the threshold amount provided in
 605 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
 606 furnish a copy of all competitive-solicitation tabulations. The
 607 Office of Supplier Diversity may also request from the agencies
 608 any information submitted to the department pursuant to this
 609 subsection.

610 (6)~~(8)~~(a) In order to strive to meet the minority business
 611 enterprise procurement goals set forth in s. 287.09451, an
 612 agency may reserve any contract for competitive solicitation
 613 only among certified minority business enterprises. Agencies
 614 shall review all their contracts each fiscal year and shall
 615 determine which contracts may be reserved for solicitation only
 616 among certified minority business enterprises. This reservation

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617 | may only be used when it is determined, by reasonable and
 618 | objective means, before the solicitation that there are capable,
 619 | qualified certified minority business enterprises available to
 620 | submit a bid, proposal, or reply on a contract to provide for
 621 | effective competition. The Office of Supplier Diversity shall
 622 | consult with any agency in reaching such determination when
 623 | deemed appropriate.

624 | (b) Before a contract may be reserved for solicitation
 625 | only among certified minority business enterprises, the agency
 626 | head must find that such a reservation is in the best interests
 627 | of the state. All determinations shall be subject to s.
 628 | 287.09451(5). Once a decision has been made to reserve a
 629 | contract, but before sealed bids, proposals, or replies are
 630 | requested, the agency shall estimate what it expects the amount
 631 | of the contract to be, based on the nature of the services or
 632 | commodities involved and their value under prevailing market
 633 | conditions. If all the sealed bids, proposals, or replies
 634 | received are over this estimate, the agency may reject the bids,
 635 | proposals, or replies and request new ones from certified
 636 | minority business enterprises, or the agency may reject the
 637 | bids, proposals, or replies and reopen the bidding to all
 638 | eligible vendors.

639 | (c) All agencies shall consider the use of price
 640 | preferences of up to 10 percent, weighted preference formulas,
 641 | or other preferences for vendors as determined appropriate
 642 | pursuant to guidelines established in accordance with s.
 643 | 287.09451(4) to increase the participation of minority business
 644 | enterprises.

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645 (d) All agencies shall avoid any undue concentration of
 646 contracts or purchases in categories of commodities or
 647 contractual services in order to meet the minority business
 648 enterprise purchasing goals in s. 287.09451.

649 ~~(7)-(9)~~ An agency may reserve any contract for competitive
 650 solicitation only among vendors who agree to use certified
 651 minority business enterprises as subcontractors or subvendors.
 652 The percentage of funds, in terms of gross contract amount and
 653 revenues, which must be expended with the certified minority
 654 business enterprise subcontractors and subvendors shall be
 655 determined by the agency before such contracts may be reserved.
 656 In order to bid on a contract so reserved, the vendor shall
 657 identify those certified minority business enterprises which
 658 will be utilized as subcontractors or subvendors by sworn
 659 statement. At the time of performance or project completion, the
 660 contractor shall report by sworn statement the payments and
 661 completion of work for all certified minority business
 662 enterprises used in the contract.

663 ~~(8)-(10)~~ An agency shall not divide the solicitation
 664 ~~procurement~~ of commodities or contractual services so as to
 665 avoid the requirements of subsections (1)-(3) ~~(1) through (5)~~.

666 ~~(9)-(11)~~ A contract for commodities or contractual services
 667 may be awarded without competition if state or federal law
 668 prescribes with whom the agency must contract or if the rate of
 669 payment is established during the appropriations process.

670 ~~(10)-(12)~~ If two equal responses to a solicitation or a
 671 request for quote are received and one response is from a
 672 certified minority business enterprise, the agency shall enter

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673 into a contract with the certified minority business enterprise.

674 (11)~~(13)~~ Extension of a contract for contractual services
 675 shall be in writing for a period not to exceed 6 months and
 676 shall be subject to the same terms and conditions set forth in
 677 the initial contract. There shall be only one extension of a
 678 contract unless the failure to meet the criteria set forth in
 679 the contract for completion of the contract is due to events
 680 beyond the control of the contractor.

681 (12)~~(14)~~(a) Contracts for commodities or contractual
 682 services may be renewed for a period that may not exceed 3 years
 683 or the term of the original contract, whichever period is
 684 longer. Renewal of a contract for commodities or contractual
 685 services shall be in writing and shall be subject to the same
 686 terms and conditions set forth in the initial contract. If the
 687 commodity or contractual service is purchased as a result of the
 688 solicitation of bids, proposals, or replies, the price of the
 689 commodity or contractual service to be renewed shall be
 690 specified in the bid, proposal, or reply. A renewal contract may
 691 not include any compensation for costs associated with the
 692 renewal. Renewals shall be contingent upon satisfactory
 693 performance evaluations by the agency and subject to the
 694 availability of funds. Exceptional purchase contracts pursuant
 695 to paragraphs (3)~~(5)~~(a) and (c) may not be renewed. With the
 696 exception of subsection (11)~~(13)~~, if a contract amendment
 697 results in a longer contract term or increased payments, a state
 698 agency may not renew or amend a contract for the outsourcing of
 699 a service or activity that has an original term value exceeding
 700 the sum of \$10 million before submitting a written report

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701 concerning contract performance to the Governor, the President
 702 of the Senate, and the Speaker of the House of Representatives
 703 at least 90 days before execution of the renewal or amendment.

704 (b) The Department of Health shall enter into an
 705 agreement, not to exceed 20 years, with a private contractor to
 706 finance, design, and construct a hospital, of no more than 50
 707 beds, for the treatment of patients with active tuberculosis and
 708 to operate all aspects of daily operations within the facility.
 709 The contractor may sponsor the issuance of tax-exempt
 710 certificates of participation or other securities to finance the
 711 project, and the state may enter into a lease-purchase agreement
 712 for the facility. The department shall begin the implementation
 713 of this initiative by July 1, 2008. This paragraph expires July
 714 1, 2009.

715 (c) In addition to any renewal authorized under paragraph
 716 (a), contracts for community-based care lead agency services in
 717 accordance with s. 409.1671(1)(e) may be renewed once for a term
 718 not to exceed 5 years, provided that the lead agency currently
 719 under contract is in compliance with the performance, fiscal,
 720 and administrative standards established by the Department of
 721 Children and Family Services and the agency head determines that
 722 renewal of the contract without a competitive solicitation is in
 723 the best interests of the children and families served.

724 ~~(13)-(15)~~ For each contractual services contract, the
 725 agency shall designate an employee to function as contract
 726 manager who shall be responsible for enforcing performance of
 727 the contract terms and conditions and serve as a liaison with
 728 the contractor. The agency shall establish procedures to ensure

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729 that contractual services have been rendered in accordance with
 730 the contract terms prior to processing the invoice for payment.

731 (14)~~(16)~~ Each agency shall designate at least one employee
 732 who shall serve as a contract administrator responsible for
 733 maintaining a contract file and financial information on all
 734 contractual services contracts and who shall serve as a liaison
 735 with the contract managers and the department.

736 (15)~~(17)~~ For a contract in excess of the threshold amount
 737 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
 738 appoint:

739 (a) At least three persons to evaluate proposals and
 740 replies who collectively have experience and knowledge in the
 741 program areas and service requirements for which commodities or
 742 contractual services are sought.

743 (b) At least three persons to conduct negotiations during
 744 a competitive sealed reply procurement who collectively have
 745 experience and knowledge in negotiating contracts, contract
 746 procurement, and the program areas and service requirements for
 747 which commodities or contractual services are sought. When the
 748 value of a contract is in excess of \$1 million in any fiscal
 749 year, at least one of the persons conducting negotiations must
 750 be certified as a contract negotiator based upon rules adopted
 751 by the Department of Management Services in order to ensure that
 752 certified contract negotiators are knowledgeable about effective
 753 negotiation strategies, capable of successfully implementing
 754 those strategies, and involved appropriately in the procurement
 755 process. At a minimum, the rules must address the qualifications
 756 required for certification, the method of certification, and the

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757 procedure for involving the certified negotiator. If the value
 758 of a contract is in excess of \$10 million in any fiscal year, at
 759 least one of the persons conducting negotiations must be a
 760 Project Management Professional, as certified by the Project
 761 Management Institute.

762 (16)~~(18)~~ A person who receives a contract that was not
 763 subject to competitive procurement ~~has not been procured~~
 764 ~~pursuant to subsections (1) through (5):~~

765 (a) To perform a feasibility study of the potential
 766 implementation of a subsequent contract;;

767 (b) Who participates in the drafting of a solicitation;;

768 (c) To develop a business case for any outsourcing
 769 project, as provided in s. 287.0571; or

770 (d) Who develops a program for future implementation~~;~~

771
 772 is not eligible to contract with the agency for any other
 773 contracts dealing with that specific subject matter. Moreover,
 774 ~~and~~ any firm in which such person has any interest is not
 775 eligible to receive such contract. However, this prohibition
 776 does not prevent a vendor who responds to a request for
 777 information from being eligible to contract with an agency.

778 (17)~~(19)~~ Each agency shall establish a review and approval
 779 process for all contractual services contracts costing more than
 780 the threshold amount provided for in s. 287.017 for CATEGORY
 781 THREE which shall include, but not be limited to, program,
 782 financial, and legal review and approval. Such reviews and
 783 approvals shall be obtained before the contract is executed.

784 (18)~~(20)~~ In any procurement that costs more than the

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785 threshold amount provided for in s. 287.017 for CATEGORY TWO and
 786 is accomplished without competition, the individuals taking part
 787 in the development or selection of criteria for evaluation, the
 788 evaluation process, and the award process shall attest in
 789 writing that they are independent of, and have no conflict of
 790 interest in, the entities evaluated and selected.

791 (19)~~(21)~~ Nothing in this section shall affect the validity
 792 or effect of any contract in existence on October 1, 1990.

793 (20)~~(22)~~ An agency may contract for services with any
 794 independent, nonprofit college or university which is located
 795 within the state and is accredited by the Southern Association
 796 of Colleges and Schools, on the same basis as it may contract
 797 with any state university and college.

798 (21)~~(23)~~ The department, in consultation with the Agency
 799 for Enterprise Information Technology and the Comptroller, shall
 800 develop a program for online procurement of commodities and
 801 contractual services. To enable the state to promote open
 802 competition and to leverage its buying power, agencies shall
 803 participate in the online procurement program, and eligible
 804 users may participate in the program. Only vendors prequalified
 805 as meeting mandatory requirements and qualifications criteria
 806 may participate in online procurement.

807 (a) The department, in consultation with the agency, may
 808 contract for equipment and services necessary to develop and
 809 implement online procurement.

810 (b) The department, in consultation with the agency, shall
 811 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 812 administer the program for online procurement. The rules shall

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813 include, but not be limited to:

814 1. Determining the requirements and qualification criteria

815 for prequalifying vendors.

816 2. Establishing the procedures for conducting online

817 procurement.

818 3. Establishing the criteria for eligible commodities and

819 contractual services.

820 4. Establishing the procedures for providing access to

821 online procurement.

822 5. Determining the criteria warranting any exceptions to

823 participation in the online procurement program.

824 (c) The department may impose and shall collect all fees

825 for the use of the online procurement systems.

826 1. The fees may be imposed on an individual transaction

827 basis or as a fixed percentage of the cost savings generated. At

828 a minimum, the fees must be set in an amount sufficient to cover

829 the projected costs of the services, including administrative

830 and project service costs in accordance with the policies of the

831 department.

832 2. If the department contracts with a provider for online

833 procurement, the department, pursuant to appropriation, shall

834 compensate the provider from the fees after the department has

835 satisfied all ongoing costs. The provider shall report

836 transaction data to the department each month so that the

837 department may determine the amount due and payable to the

838 department from each vendor.

839 3. All fees that are due and payable to the state on a

840 transactional basis or as a fixed percentage of the cost savings

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841 generated are subject to s. 215.31 and must be remitted within
 842 40 days after receipt of payment for which the fees are due. For
 843 fees that are not remitted within 40 days, the vendor shall pay
 844 interest at the rate established under s. 55.03(1) on the unpaid
 845 balance from the expiration of the 40-day period until the fees
 846 are remitted.

847 4. All fees and surcharges collected under this paragraph
 848 shall be deposited in the Operating Trust Fund as provided by
 849 law.

850 (22)~~(24)~~ Each solicitation for the procurement of
 851 commodities or contractual services shall include the following
 852 provision: "Respondents to this solicitation or persons acting
 853 on their behalf may not contact, between the release of the
 854 solicitation and the end of the 72-hour period following the
 855 agency posting the notice of intended award, excluding
 856 Saturdays, Sundays, and state holidays, any employee or officer
 857 of the executive or legislative branch concerning any aspect of
 858 this solicitation, except in writing to the procurement officer
 859 or as provided in the solicitation documents. Violation of this
 860 provision may be grounds for rejecting a response."

861 Section 5. Section 287.0571, Florida Statutes, is amended
 862 to read:

863 287.0571 Business case to outsource; applicability of ss.
 864 ~~287.0571-287.0574.~~

865 ~~(1) Sections 287.0571-287.0574 may be cited as the~~
 866 ~~"Florida Efficient Government Act."~~

867 (1)~~(2)~~ It is the intent of the Legislature that each state
 868 agency focus on its core mission and deliver services

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869 effectively and efficiently by leveraging resources and
 870 contracting with private sector vendors whenever vendors can
 871 more effectively and efficiently provide services and reduce the
 872 cost of government.

873 (2)~~(3)~~ It is further the intent of the Legislature that
 874 business cases to outsource be evaluated for feasibility, cost-
 875 effectiveness, and efficiency before a state agency proceeds
 876 with any outsourcing of services.

877 (3)~~(4)~~ This section does ~~Sections 287.0571-287.0574 do not~~
 878 apply to:

879 (a) A procurement of commodities and contractual services
 880 listed in s. 287.057 (3)~~(5)~~~~(e)~~, ~~(f)~~, and (g) and (20)~~(22)~~.

881 (b) A procurement of contractual services subject to s.
 882 287.055.

883 (c) A contract in support of the planning, development,
 884 implementation, operation, or maintenance of the road, bridge,
 885 and public transportation construction program of the Department
 886 of Transportation.

887 (d) A procurement of commodities or contractual services
 888 which does not constitute an outsourcing of services or
 889 activities.

890 (4) An agency shall complete a business case for any
 891 outsourcing project with an expected cost in excess of \$10
 892 million within a single fiscal year. The business case shall be
 893 submitted pursuant to s. 216.023. The business case shall be
 894 available as part of the solicitation but is not subject to
 895 challenge and shall include the following:

896 (a) A detailed description of the service or activity for

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897 which the outsourcing is proposed.

898 (b) A description and analysis of the state agency's
 899 current performance, based on existing performance metrics if
 900 the state agency is currently performing the service or
 901 activity.

902 (c) The goals desired to be achieved through the proposed
 903 outsourcing and the rationale for such goals.

904 (d) A citation to the existing or proposed legal authority
 905 for outsourcing the service or activity.

906 (e) A description of available options for achieving the
 907 goals. If state employees are currently performing the service
 908 or activity, at least one option involving maintaining state
 909 provision of the service or activity shall be included.

910 (f) An analysis of the advantages and disadvantages of
 911 each option, including, at a minimum, potential performance
 912 improvements and risks.

913 (g) A description of the current market for the
 914 contractual services that are under consideration for
 915 outsourcing.

916 (h) A cost-benefit analysis documenting the direct and
 917 indirect specific baseline costs, savings, and qualitative and
 918 quantitative benefits involved in or resulting from the
 919 implementation of the recommended option or options. Such
 920 analysis must specify the schedule that, at a minimum, must be
 921 adhered to in order to achieve the estimated savings. All
 922 elements of cost must be clearly identified in the cost-benefit
 923 analysis, described in the business case, and supported by
 924 applicable records and reports. The state agency head shall

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925 attest that, based on the data and information underlying the
 926 business case, to the best of his or her knowledge, all
 927 projected costs, savings, and benefits are valid and achievable.
 928 As used in this section, the term "cost" means the reasonable,
 929 relevant, and verifiable cost, which may include, but is not
 930 limited to, elements such as personnel, materials and supplies,
 931 services, equipment, capital depreciation, rent, maintenance and
 932 repairs, utilities, insurance, personnel travel, overhead, and
 933 interim and final payments. The appropriate elements shall
 934 depend on the nature of the specific initiative. As used in this
 935 section, the term "savings" means the difference between the
 936 direct and indirect actual annual baseline costs compared to the
 937 projected annual cost for the contracted functions or
 938 responsibilities in any succeeding state fiscal year during the
 939 term of the contract.

940 (i) A description of differences among current state
 941 agency policies and processes and, as appropriate, a discussion
 942 of options for or a plan to standardize, consolidate, or revise
 943 current policies and processes, if any, to reduce the
 944 customization of any proposed solution that would otherwise be
 945 required.

946 (j) A description of the specific performance standards
 947 that must, at a minimum, be met to ensure adequate performance.

948 (k) The projected timeframe for key events from the
 949 beginning of the procurement process through the expiration of a
 950 contract.

951 (l) A plan to ensure compliance with the public records
 952 law.

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953 (m) A specific and feasible contingency plan addressing
 954 contractor nonperformance and a description of the tasks
 955 involved in and costs required for its implementation.

956 (n) A state agency's transition plan for addressing
 957 changes in the number of agency personnel, affected business
 958 processes, employee transition issues, and communication with
 959 affected stakeholders, such as agency clients and the public.
 960 The transition plan must contain a reemployment and retraining
 961 assistance plan for employees who are not retained by the state
 962 agency or employed by the contractor.

963 (o) A plan for ensuring access by persons with
 964 disabilities in compliance with applicable state and federal
 965 law.

966 (5) In addition to the contract requirements provided in
 967 s. 287.058, each contract for a proposed outsourcing, pursuant
 968 to this section, must include, but need not be limited to, the
 969 following contractual provisions:

970 (a) A scope-of-work provision that clearly specifies each
 971 service or deliverable to be provided, including a description
 972 of each deliverable or activity that is quantifiable,
 973 measurable, and verifiable. This provision must include a clause
 974 that states if a particular service or deliverable is
 975 inadvertently omitted or not clearly specified but determined to
 976 be operationally necessary and verified to have been performed
 977 by the agency within the 12 months before the execution of the
 978 contract, such service or deliverable will be provided by the
 979 contractor through the identified contract-amendment process.

980 (b) A service-level-agreement provision describing all

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981 services to be provided under the terms of the agreement, the
 982 state agency's service requirements and performance objectives,
 983 specific responsibilities of the state agency and the
 984 contractor, and the process for amending any portion of the
 985 service-level agreement. Each service-level agreement must
 986 contain an exclusivity clause that allows the state agency to
 987 retain the right to perform the service or activity, directly or
 988 with another contractor, if service levels are not being
 989 achieved.

990 (c) A provision that identifies all associated costs,
 991 specific payment terms, and payment schedules, including
 992 provisions governing incentives and financial disincentives and
 993 criteria governing payment.

994 (d) A provision that identifies a clear and specific
 995 transition plan that will be implemented in order to complete
 996 all required activities needed to transfer the service or
 997 activity from the state agency to the contractor and operate the
 998 service or activity successfully.

999 (e) A performance-standards provision that identifies all
 1000 required performance standards, which must include, at a
 1001 minimum:

1002 1. Detailed and measurable acceptance criteria for each
 1003 deliverable and service to be provided to the state agency under
 1004 the terms of the contract which document the required
 1005 performance level.

1006 2. A method for monitoring and reporting progress in
 1007 achieving specified performance standards and levels.

1008 3. The sanctions or disincentives that shall be imposed

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for nonperformance by the contractor or state agency.

(f) A provision that requires the contractor and its subcontractors to maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(g) A provision that authorizes the state agency to have access to and to audit all records related to the contract and subcontracts, or any responsibilities or functions under the contract and subcontracts, for purposes of legislative oversight, and a requirement for audits by a service organization in accordance with professional auditing standards, if appropriate.

(h) A provision that requires the contractor to interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(i) A contingency-plan provision that describes the mechanism for continuing the operation of the service or activity, including transferring the service or activity back to the state agency or successor contractor if the contractor fails to perform and comply with the performance standards and levels of the contract and the contract is terminated.

(j) A provision that requires the contractor and its subcontractors to comply with public records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.
2. Provide the public with access to such public records

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1037 on the same terms and conditions that the state agency would
 1038 provide the records and at a cost that does not exceed that
 1039 provided in chapter 119 or as otherwise provided by law.

1040 3. Ensure that records that are exempt or records that are
 1041 confidential and exempt are not disclosed except as authorized
 1042 by law.

1043 4. Meet all requirements for retaining records and
 1044 transfer to the state agency, at no cost, all public records in
 1045 possession of the contractor upon termination of the contract
 1046 and destroy any duplicate public records that are exempt or
 1047 confidential and exempt. All records stored electronically must
 1048 be provided to the state agency in a format that is compatible
 1049 with the information technology systems of the state agency.

1050 (k)1. A provision that provides that any copyrightable or
 1051 patentable intellectual property produced as a result of work or
 1052 services performed under the contract, or in any way connected
 1053 with the contract, shall be the property of the state, with only
 1054 such exceptions as are clearly expressed and reasonably valued
 1055 in the contract.

1056 2. A provision that provides that, if the primary purpose
 1057 of the contract is the creation of intellectual property, the
 1058 state shall retain an unencumbered right to use such property.

1059 (l) If applicable, a provision that allows the agency to
 1060 purchase from the contractor, at its depreciated value, assets
 1061 used by the contractor in the performance of the contract. If
 1062 assets have not depreciated, the agency shall retain the right
 1063 to negotiate to purchase at an agreed-upon cost.

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1064 Section 6. Section 287.05721, Florida Statutes, is
 1065 repealed.
 1066 Section 7. Section 287.0575, Florida Statutes, is created
 1067 to read:
 1068 287.0575 Coordination of contracted services.—The
 1069 following duties and responsibilities of the Department of
 1070 Children and Family Services, the Agency for Persons with
 1071 Disabilities, the Department of Health, the Department of
 1072 Elderly Affairs, and the Florida Department of Veterans Affairs,
 1073 and service providers under contract to those agencies, are
 1074 established:
 1075 (1) No later than August 1, 2010, or upon entering into
 1076 any new contract for health and human services, state agencies
 1077 contracting for health and human services must notify their
 1078 contract service providers of the requirements of this section.
 1079 (2) No later than October 1, 2010, contract service
 1080 providers that have more than one contract with one or more
 1081 state agencies to provide health and human services must provide
 1082 to each of their contract managers a comprehensive list of their
 1083 health and human services contracts. The list must include the
 1084 following information:
 1085 (a) The name of each contracting state agency and the
 1086 applicable office or program issuing the contract.
 1087 (b) The identifying name and number of each contract.
 1088 (c) The starting and ending date of each contract.
 1089 (d) The amount of each contract.
 1090 (e) A brief description of the purpose of the contract and
 1091 the types of services provided under each contract.

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1092 (f) The name and contact information of the contract
 1093 manager.
 1094 (3) With respect to contracts entered into after August 1,
 1095 2010, effective November 1, 2010, or 30 days after receiving the
 1096 list provided under subsection (2), a single lead administrative
 1097 coordinator for each contract service provider shall be
 1098 designated as provided in this subsection from among the
 1099 agencies having multiple contracts as provided in subsection
 1100 (2). On or before the date such responsibilities are assumed,
 1101 the designated lead administrative coordinator shall provide
 1102 notice of his or her designation to the contract service
 1103 provider and to the agency contract managers for each affected
 1104 contract. Unless another lead administrative coordinator is
 1105 selected by agreement of all affected contract managers, the
 1106 designated lead administrative coordinator shall be the agency
 1107 contract manager of the contract with the highest dollar value
 1108 over the term of the contract, provided the term of the contract
 1109 remaining at the time of designation exceeds 24 months. If the
 1110 remaining terms of all contracts are 24 months or less, the
 1111 designated lead administrative coordinator shall be the contract
 1112 manager of the contract with the latest end date. A designated
 1113 lead administrative coordinator, or his or her successor as
 1114 contract manager, shall continue as lead administrative
 1115 coordinator until another lead administrative coordinator is
 1116 selected by agreement of all affected contract managers or until
 1117 the end date of the contract for which the designated lead
 1118 administrative coordinator serves as contract manager, at which

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1119 time a new lead administrative coordinator shall be designated
 1120 pursuant to this subsection if applicable.

1121 (4) The designated lead administrative coordinator shall
 1122 be responsible for:

1123 (a) Establishing a coordinated schedule for administrative
 1124 and fiscal monitoring;

1125 (b) Consulting with other case managers to establish a
 1126 single unified set of required administrative and fiscal
 1127 documentation;

1128 (c) Consulting with other case managers to establish a
 1129 single unified schedule for periodic updates of administrative
 1130 and fiscal information; and

1131 (d) Maintaining an accessible electronic file of up-to-
 1132 date administrative and fiscal documents, including, but not
 1133 limited to, corporate documents, membership records, audits, and
 1134 monitoring reports.

1135 (5) Contract managers for agency contracts other than the
 1136 designated lead administrative coordinator must conduct
 1137 administrative and fiscal monitoring activities in accordance
 1138 with the coordinated schedule and must obtain any necessary
 1139 administrative and fiscal documents from the designated lead
 1140 administrative coordinator's electronic file.

1141 (6) This section does not apply to routine program
 1142 performance monitoring or prohibit a contracting agency from
 1143 directly and immediately contacting the service provider when
 1144 the health or safety of clients is at risk.

1145 (7) Annually, each agency contracting for health and human
 1146 services shall evaluate the performance of its designated lead

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1147 administrative coordinator in establishing coordinated systems,
 1148 improving efficiency, and reducing redundant monitoring
 1149 activities for state agencies and their service providers. The
 1150 report shall be submitted to the Governor, the President of the
 1151 Senate and the Speaker of the House of Representatives.

1152 Section 8. Section 287.0573, Florida Statutes, is
 1153 repealed.

1154 Section 9. Section 287.0574, Florida Statutes, is
 1155 repealed.

1156 Section 10. Subsections (2) and (3) of section 283.32,
 1157 Florida Statutes, are amended to read:

1158 283.32 Recycled paper to be used by each agency; printing
 1159 bids certifying use of recycled paper; percentage preference in
 1160 awarding contracts.—

1161 (2) Each agency shall require a vendor that submits a bid
 1162 for a contract for printing ~~and that wishes to be considered for~~
 1163 ~~the price preference described in s. 287.045~~ to certify in
 1164 writing the percentage of recycled content of the material used
 1165 for such printing. Such vendor may certify that the material
 1166 contains no recycled content.

1167 (3) Upon evaluation of bids for each printing contract,
 1168 the agency shall identify the lowest responsive bid and any
 1169 other responsive bids in which it has been certified that the
 1170 materials used in printing contain at least the minimum
 1171 percentage of recycled content that is set forth by the
 1172 department. ~~In awarding a contract for printing, the agency may~~
 1173 ~~allow up to a 10 percent price preference, as provided in s.~~
 1174 ~~287.045, to a responsible and responsive vendor that has~~

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1175 ~~certified that the materials used in printing contain at least~~
 1176 ~~the minimum percentage of recycled content established by the~~
 1177 ~~department.~~ If no vendors offer materials for printing that
 1178 contain the minimum prescribed recycled content, the contract
 1179 shall be awarded to the responsible vendor that submits the
 1180 lowest responsive bid.

1181 Section 11. Subsection (1) of section 403.7065, Florida
 1182 Statutes, is amended to read:

1183 403.7065 Procurement of products or materials with
 1184 recycled content.—

1185 (1) ~~Except as provided in s. 287.045,~~ Any state agency or
 1186 agency of a political subdivision of the state which is using
 1187 state funds, or any person contracting with any such agency with
 1188 respect to work performed under contract, is required to procure
 1189 products or materials with recycled content when the Department
 1190 of Management Services determines that those products or
 1191 materials are available. A decision not to procure such items
 1192 must be based on the Department of Management Services'
 1193 determination that such procurement is not reasonably available
 1194 within an acceptable period of time, fails to meet the
 1195 performance standards set forth in the applicable
 1196 specifications, or fails to meet the performance standards of
 1197 the agency. ~~When the requirements of s. 287.045 are met,~~
 1198 ~~agencies shall be subject to the procurement requirements of~~
 1199 ~~that section for procuring products or materials with recycled~~
 1200 ~~content.~~

1201 Section 12. Paragraph (d) of subsection (4) of section
 1202 14.204, Florida Statutes, is amended to read:

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1203 14.204 Agency for Enterprise Information Technology.—The
 1204 Agency for Enterprise Information Technology is created within
 1205 the Executive Office of the Governor.

1206 (4) The agency shall have the following duties and
 1207 responsibilities:

1208 (d) Plan and establish policies for managing proposed
 1209 statutorily authorized enterprise information technology
 1210 services, which includes:

- 1211 1. Developing business cases that, when applicable,
 1212 include the components identified in s. 287.0571 ~~287.0574~~;
- 1213 2. Establishing and coordinating project-management teams;
- 1214 3. Establishing formal risk-assessment and mitigation
 1215 processes; and
- 1216 4. Providing for independent monitoring of projects for
 1217 recommended corrective actions.

1218 Section 13. Subsection (1) of section 43.16, Florida
 1219 Statutes, is amended to read:

1220 43.16 Justice Administrative Commission; membership,
 1221 powers and duties.—

1222 (1) There is hereby created a Justice Administrative
 1223 Commission, with headquarters located in the state capital. The
 1224 necessary office space for use of the commission shall be
 1225 furnished by the proper state agency in charge of state
 1226 buildings. For purposes of the fees imposed on agencies pursuant
 1227 to s. 287.057 (21) ~~(23)~~, the Justice Administrative Commission
 1228 shall be exempt from such fees.

1229 Section 14. Paragraph (e) of subsection (1) of section
 1230 61.1826, Florida Statutes, is amended to read:

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1231 61.1826 Procurement of services for State Disbursement
 1232 Unit and the non-Title IV-D component of the State Case
 1233 Registry; contracts and cooperative agreements; penalties;
 1234 withholding payment.—

1235 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
 1236 clerks of court play a vital role, as essential participants in
 1237 the establishment, modification, collection, and enforcement of
 1238 child support, in securing the health, safety, and welfare of
 1239 the children of this state. The Legislature further finds and
 1240 declares that:

1241 (e) The potential loss of substantial federal funds poses
 1242 a direct and immediate threat to the health, safety, and welfare
 1243 of the children and citizens of the state and constitutes an
 1244 emergency for purposes of s. 287.057 (3) ~~(5)~~ (a).

1245
 1246 For these reasons, the Legislature hereby directs the Department
 1247 of Revenue, subject to the provisions of subsection (5), to
 1248 contract with the Florida Association of Court Clerks and each
 1249 depository to perform duties with respect to the operation and
 1250 maintenance of a State Disbursement Unit and the non-Title IV-D
 1251 component of the State Case Registry as further provided by this
 1252 section.

1253 Section 15. Paragraph (h) of subsection (1) of section
 1254 112.3215, Florida Statutes, is amended to read:

1255 112.3215 Lobbying before the executive branch or the
 1256 Constitution Revision Commission; registration and reporting;
 1257 investigation by commission.—

1258 (1) For the purposes of this section:

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1259 (h) "Lobbyist" means a person who is employed and receives
 1260 payment, or who contracts for economic consideration, for the
 1261 purpose of lobbying, or a person who is principally employed for
 1262 governmental affairs by another person or governmental entity to
 1263 lobby on behalf of that other person or governmental entity.

1264 "Lobbyist" does not include a person who is:

1265 1. An attorney, or any person, who represents a client in
 1266 a judicial proceeding or in a formal administrative proceeding
 1267 conducted pursuant to chapter 120 or any other formal hearing
 1268 before an agency, board, commission, or authority of this state.

1269 2. An employee of an agency or of a legislative or
 1270 judicial branch entity acting in the normal course of his or her
 1271 duties.

1272 3. A confidential informant who is providing, or wishes to
 1273 provide, confidential information to be used for law enforcement
 1274 purposes.

1275 4. A person who lobbies to procure a contract pursuant to
 1276 chapter 287 which contract is less than the threshold for
 1277 CATEGORY ONE as provided in s. 287.017~~(1)(a)~~.

1278 Section 16. Paragraph (h) of subsection (3) of section
 1279 255.25, Florida Statutes, is amended to read:

1280 255.25 Approval required prior to construction or lease of
 1281 buildings.—

1282 (3)

1283 (h) The Department of Management Services may, pursuant to
 1284 s. 287.042(2)(a), procure a term contract for real estate
 1285 consulting and brokerage services. A state agency may not
 1286 purchase services from the contract unless the contract has been

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1287 procured under s. 287.057(1), ~~(2), or (3)~~ after March 1, 2007,
 1288 and contains the following provisions or requirements:

1289 1. Awarded brokers must maintain an office or presence in
 1290 the market served. In awarding the contract, preference must be
 1291 given to brokers that are licensed in this state under chapter
 1292 475 and that have 3 or more years of experience in the market
 1293 served. The contract may be made with up to three tenant brokers
 1294 in order to serve the marketplace in the north, central, and
 1295 south areas of the state.

1296 2. Each contracted tenant broker shall work under the
 1297 direction, supervision, and authority of the state agency,
 1298 subject to the rules governing lease procurements.

1299 3. The department shall provide training for the awarded
 1300 tenant brokers concerning the rules governing the procurement of
 1301 leases.

1302 4. Tenant brokers must comply with all applicable
 1303 provisions of s. 475.278.

1304 5. Real estate consultants and tenant brokers shall be
 1305 compensated by the state agency, subject to the provisions of
 1306 the term contract, and such compensation is subject to
 1307 appropriation by the Legislature. A real estate consultant or
 1308 tenant broker may not receive compensation directly from a
 1309 lessor for services that are rendered under the term contract.
 1310 Moneys paid to a real estate consultant or tenant broker are
 1311 exempt from any charge imposed under s. 287.1345. Moneys paid by
 1312 a lessor to the state agency under a facility leasing
 1313 arrangement are not subject to the charges imposed under s.
 1314 215.20. All terms relating to the compensation of the real

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1315 estate consultant or tenant broker shall be specified in the
 1316 term contract and may not be supplemented or modified by the
 1317 state agency using the contract.

1318 6. The department shall conduct periodic customer-
 1319 satisfaction surveys.

1320 7. Each state agency shall report the following
 1321 information to the department:

1322 a. The number of leases that adhere to the goal of the
 1323 workspace-management initiative of 180 square feet per FTE.

1324 b. The quality of space leased and the adequacy of tenant-
 1325 improvement funds.

1326 c. The timeliness of lease procurement, measured from the
 1327 date of the agency's request to the finalization of the lease.

1328 d. Whether cost-benefit analyses were performed before
 1329 execution of the lease in order to ensure that the lease is in
 1330 the best interest of the state.

1331 e. The lease costs compared to market rates for similar
 1332 types and classifications of space according to the official
 1333 classifications of the Building Owners and Managers Association.

1334 Section 17. Subsection (1) of section 283.33, Florida
 1335 Statutes, is amended to read:

1336 283.33 Printing of publications; lowest bidder awards.—

1337 (1) Publications may be printed and prepared in-house, by
 1338 another agency or the Legislature, or purchased on bid,
 1339 whichever is more economical and practicable as determined by
 1340 the agency. An agency may contract for binding separately when
 1341 more economical or practicable, whether or not the remainder of
 1342 the printing is done in-house. A vendor may subcontract for

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1343 binding and still be considered a responsible vendor,
 1344 notwithstanding s. 287.012 (23) ~~(24)~~.

1345 Section 18. Paragraph (a) of subsection (2) of section
 1346 286.0113, Florida Statutes, is amended to read:

1347 286.0113 General exemptions from public meetings.—

1348 (2) (a) A meeting at which a negotiation with a vendor is
 1349 conducted pursuant to s. 287.057 (1) ~~(3)~~ is exempt from s. 286.011
 1350 and s. 24(b), Art. I of the State Constitution.

1351 Section 19. Subsection (1) of section 287.022, Florida
 1352 Statutes, is amended to read:

1353 287.022 Purchase of insurance.—

1354 (1) Insurance, while not a commodity, nevertheless shall
 1355 be purchased for all agencies by the department, except that
 1356 agencies may purchase title insurance for land acquisition and
 1357 may make emergency purchases of insurance pursuant to s.
 1358 287.057 (3) ~~(5)~~ (a). The procedures for purchasing insurance,
 1359 whether the purchase is made by the department or by the
 1360 agencies, shall be the same as those set forth herein for the
 1361 purchase of commodities.

1362 Section 20. Paragraph (f) of subsection (1) and subsection
 1363 (5) of section 287.058, Florida Statutes, are amended to read:

1364 287.058 Contract document.—

1365 (1) Every procurement of contractual services in excess of
 1366 the threshold amount provided in s. 287.017 for CATEGORY TWO,
 1367 except for the providing of health and mental health services or
 1368 drugs in the examination, diagnosis, or treatment of sick or
 1369 injured state employees or the providing of other benefits as
 1370 required by the provisions of chapter 440, shall be evidenced by

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1371 a written agreement embodying all provisions and conditions of
 1372 the procurement of such services, which provisions and
 1373 conditions shall, where applicable, include, but shall not be
 1374 limited to:

1375 (f) A provision specifying that the contract may be
 1376 renewed for a period that may not exceed 3 years or the term of
 1377 the original contract, whichever period is longer, specifying
 1378 the renewal price for the contractual service as set forth in
 1379 the bid, proposal, or reply, specifying that costs for the
 1380 renewal may not be charged, and specifying that renewals shall
 1381 be contingent upon satisfactory performance evaluations by the
 1382 agency and subject to the availability of funds. Exceptional
 1383 purchase contracts pursuant to s. 287.057 (3) ~~(5)~~ (a) and (c) may
 1384 not be renewed.

1385
 1386 In lieu of a written agreement, the department may authorize the
 1387 use of a purchase order for classes of contractual services, if
 1388 the provisions of paragraphs (a)-(f) are included in the
 1389 purchase order or solicitation. The purchase order must include,
 1390 but need not be limited to, an adequate description of the
 1391 services, the contract period, and the method of payment. In
 1392 lieu of printing the provisions of paragraphs (a)-(f) in the
 1393 contract document or purchase order, agencies may incorporate
 1394 the requirements of paragraphs (a)-(f) by reference.

1395 (5) Unless otherwise provided in the General
 1396 Appropriations Act or the substantive bill implementing the
 1397 General Appropriations Act, the Chief Financial Officer may
 1398 waive the requirements of this section for services which are

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1399 included in s. 287.057 (3) ~~(5)~~ (f).

1400 Section 21. Subsection (14) of section 287.059, Florida

1401 Statutes, is amended to read:

1402 287.059 Private attorney services.—

1403 (14) The office of the Attorney General is authorized to

1404 competitively bid and contract with one or more court reporting

1405 services, on a circuitwide basis, on behalf of all state

1406 agencies in accordance with s. 287.057 ~~(2)~~. The office of the

1407 Attorney General shall develop requests for proposal for court

1408 reporter services in consultation with the Florida Court

1409 Reporters Association. All agencies shall utilize the contracts

1410 for court reporting services entered into by the office of the

1411 Attorney General where in force, unless otherwise ordered by a

1412 court or unless an agency has a contract for court reporting

1413 services executed prior to May 5, 1993.

1414 Section 22. Paragraph (b) of subsection (4) of section

1415 295.187, Florida Statutes, is amended to read:

1416 295.187 Florida Service-Disabled Veteran Business

1417 Enterprise Opportunity Act.—

1418 (4) VENDOR PREFERENCE.—

1419 (b) Notwithstanding s. 287.057 (10) ~~(12)~~, if a service-

1420 disabled veteran business enterprise entitled to the vendor

1421 preference under this section and one or more businesses

1422 entitled to this preference or another vendor preference

1423 provided by law submit bids, proposals, or replies for

1424 procurement of commodities or contractual services that are

1425 equal with respect to all relevant considerations, including

1426 price, quality, and service, then the state agency shall award

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1427 the procurement or contract to the business having the smallest
 1428 net worth.

1429 Section 23. Subsection (3) of section 394.457, Florida
 1430 Statutes, is amended to read:

1431 394.457 Operation and administration.—

1432 (3) POWER TO CONTRACT.—The department may contract to
 1433 provide, and be provided with, services and facilities in order
 1434 to carry out its responsibilities under this part with the
 1435 following agencies: public and private hospitals; receiving and
 1436 treatment facilities; clinics; laboratories; departments,
 1437 divisions, and other units of state government; the state
 1438 colleges and universities; the community colleges; private
 1439 colleges and universities; counties, municipalities, and any
 1440 other governmental unit, including facilities of the United
 1441 States Government; and any other public or private entity which
 1442 provides or needs facilities or services. Baker Act funds for
 1443 community inpatient, crisis stabilization, short-term
 1444 residential treatment, and screening services must be allocated
 1445 to each county pursuant to the department's funding allocation
 1446 methodology. Notwithstanding the provisions of s.
 1447 287.057 (3) ~~(5)~~ (f), contracts for community-based Baker Act
 1448 services for inpatient, crisis stabilization, short-term
 1449 residential treatment, and screening provided under this part,
 1450 other than those with other units of government, to be provided
 1451 for the department must be awarded using competitive sealed bids
 1452 when the county commission of the county receiving the services
 1453 makes a request to the department's district office by January
 1454 15 of the contracting year. The district shall not enter into a

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1455 competitively bid contract under this provision if such action
 1456 will result in increases of state or local expenditures for
 1457 Baker Act services within the district. Contracts for these
 1458 Baker Act services using competitive sealed bids will be
 1459 effective for 3 years. The department shall adopt rules
 1460 establishing minimum standards for such contracted services and
 1461 facilities and shall make periodic audits and inspections to
 1462 assure that the contracted services are provided and meet the
 1463 standards of the department.

1464 Section 24. Paragraph (a) of subsection (1) of section
 1465 394.47865, Florida Statutes, is amended to read:

1466 394.47865 South Florida State Hospital; privatization.—

1467 (1) The Department of Children and Family Services shall,
 1468 through a request for proposals, privatize South Florida State
 1469 Hospital. The department shall plan to begin implementation of
 1470 this privatization initiative by July 1, 1998.

1471 (a) Notwithstanding s. 287.057 (12) ~~(14)~~, the department may
 1472 enter into agreements, not to exceed 20 years, with a private
 1473 provider, a coalition of providers, or another agency to
 1474 finance, design, and construct a treatment facility having up to
 1475 350 beds and to operate all aspects of daily operations within
 1476 the facility. The department may subcontract any or all
 1477 components of this procurement to a statutorily established
 1478 state governmental entity that has successfully contracted with
 1479 private companies for designing, financing, acquiring, leasing,
 1480 constructing, and operating major privatized state facilities.

1481 Section 25. Paragraph (c) of subsection (5) and subsection
 1482 (8) of section 402.40, Florida Statutes, are amended to read:

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1483 402.40 Child welfare training.—
 1484 (5) CORE COMPETENCIES.—
 1485 (c) Notwithstanding s. 287.057 (3) ~~(5)~~ and (20) ~~(22)~~, the
 1486 department shall competitively solicit and contract for the
 1487 development, validation, and periodic evaluation of the training
 1488 curricula for the established single integrated curriculum. No
 1489 more than one training curriculum may be developed for each
 1490 specific subset of the core competencies.
 1491 (8) ESTABLISHMENT OF TRAINING ACADEMIES.—The department
 1492 shall establish child welfare training academies as part of a
 1493 comprehensive system of child welfare training. In establishing
 1494 a program of training, the department may contract for the
 1495 operation of one or more training academies to perform one or
 1496 more of the following: to offer one or more of the training
 1497 curricula developed under subsection (5); to administer the
 1498 certification process; to develop, validate, and periodically
 1499 evaluate additional training curricula determined to be
 1500 necessary, including advanced training that is specific to a
 1501 region or contractor, or that meets a particular training need;
 1502 or to offer the additional training curricula. The number,
 1503 location, and timeframe for establishment of training academies
 1504 shall be approved by the Secretary of Children and Family
 1505 Services who shall ensure that the goals for the core
 1506 competencies and the single integrated curriculum, the
 1507 certification process, the trainer qualifications, and the
 1508 additional training needs are addressed. Notwithstanding s.
 1509 287.057 (3) ~~(5)~~ and (20) ~~(22)~~, the department shall competitively
 1510 solicit all training academy contracts.

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1511 Section 26. Paragraphs (a) and (b) of subsection (2) and
 1512 subsection (3) of section 402.7305, Florida Statutes, are
 1513 amended to read:

1514 402.7305 Department of Children and Family Services;
 1515 procurement of contractual services; contract management.-

1516 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

1517 (a) Notwithstanding s. 287.057(3)(f)11. ~~s.~~

1518 ~~287.057(5)(f)13.~~, whenever the department intends to contract
 1519 with a public postsecondary institution to provide a service,
 1520 the department must allow all public postsecondary institutions
 1521 in this state that are accredited by the Southern Association of
 1522 Colleges and Schools to bid on the contract. Thereafter,
 1523 notwithstanding any other provision to the contrary, if a public
 1524 postsecondary institution intends to subcontract for any service
 1525 awarded in the contract, the subcontracted service must be
 1526 procured by competitive procedures.

1527 (b) When it is in the best interest of a defined segment
 1528 of its consumer population, the department may competitively
 1529 procure and contract for systems of treatment or service that
 1530 involve multiple providers, rather than procuring and
 1531 contracting for treatment or services separately from each
 1532 participating provider. The department must ensure that all
 1533 providers that participate in the treatment or service system
 1534 meet all applicable statutory, regulatory, service quality, and
 1535 cost control requirements. If other governmental entities or
 1536 units of special purpose government contribute matching funds to
 1537 the support of a given system of treatment or service, the
 1538 department shall formally request information from those funding

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1539 entities in the procurement process and may take the information
 1540 received into account in the selection process. If a local
 1541 government contributes matching funds to support the system of
 1542 treatment or contracted service and if the match constitutes at
 1543 least 25 percent of the value of the contract, the department
 1544 shall afford the governmental match contributor an opportunity
 1545 to name an employee as one of the persons required by s.
 1546 287.057 (15) ~~(17)~~ to evaluate or negotiate certain contracts,
 1547 unless the department sets forth in writing the reason why the
 1548 inclusion would be contrary to the best interest of the state.
 1549 Any employee so named by the governmental match contributor
 1550 shall qualify as one of the persons required by s.
 1551 287.057 (15) ~~(17)~~. A governmental entity or unit of special
 1552 purpose government may not name an employee as one of the
 1553 persons required by s. 287.057 (15) ~~(17)~~ if it, or any of its
 1554 political subdivisions, executive agencies, or special
 1555 districts, intends to compete for the contract to be awarded.
 1556 The governmental funding entity or contributor of matching funds
 1557 must comply with all procurement procedures set forth in s.
 1558 287.057 when appropriate and required.

1559 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
 1560 Department of Children and Family Services shall review the time
 1561 period for which the department executes contracts and shall
 1562 execute multiyear contracts to make the most efficient use of
 1563 the resources devoted to contract processing and execution.
 1564 Whenever the department chooses not to use a multiyear contract,
 1565 a justification for that decision must be contained in the
 1566 contract. Notwithstanding s. 287.057 (13) ~~(15)~~, the department is

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1567 responsible for establishing a contract management process that
 1568 requires a member of the department's Senior Management or
 1569 Selected Exempt Service to assign in writing the responsibility
 1570 of a contract to a contract manager. The department shall
 1571 maintain a set of procedures describing its contract management
 1572 process which must minimally include the following requirements:

1573 (a) The contract manager shall maintain the official
 1574 contract file throughout the duration of the contract and for a
 1575 period not less than 6 years after the termination of the
 1576 contract.

1577 (b) The contract manager shall review all invoices for
 1578 compliance with the criteria and payment schedule provided for
 1579 in the contract and shall approve payment of all invoices before
 1580 their transmission to the Department of Financial Services for
 1581 payment.

1582 (c) The contract manager shall maintain a schedule of
 1583 payments and total amounts disbursed and shall periodically
 1584 reconcile the records with the state's official accounting
 1585 records.

1586 (d) For contracts involving the provision of direct client
 1587 services, the contract manager shall periodically visit the
 1588 physical location where the services are delivered and speak
 1589 directly to clients receiving the services and the staff
 1590 responsible for delivering the services.

1591 (e) The contract manager shall meet at least once a month
 1592 directly with the contractor's representative and maintain
 1593 records of such meetings.

1594 (f) The contract manager shall periodically document any

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1595 differences between the required performance measures and the
 1596 actual performance measures. If a contractor fails to meet and
 1597 comply with the performance measures established in the
 1598 contract, the department may allow a reasonable period for the
 1599 contractor to correct performance deficiencies. If performance
 1600 deficiencies are not resolved to the satisfaction of the
 1601 department within the prescribed time, and if no extenuating
 1602 circumstances can be documented by the contractor to the
 1603 department's satisfaction, the department must terminate the
 1604 contract. The department may not enter into a new contract with
 1605 that same contractor for the services for which the contract was
 1606 previously terminated for a period of at least 24 months after
 1607 the date of termination. The contract manager shall obtain and
 1608 enforce corrective action plans, if appropriate, and maintain
 1609 records regarding the completion or failure to complete
 1610 corrective action items.

1611 (g) The contract manager shall document any contract
 1612 modifications, which shall include recording any contract
 1613 amendments as provided for in this section.

1614 (h) The contract manager shall be properly trained before
 1615 being assigned responsibility for any contract.

1616 Section 27. Subsection (2) of section 408.045, Florida
 1617 Statutes, is amended to read:

1618 408.045 Certificate of need; competitive sealed
 1619 proposals.—

1620 (2) The agency shall make a decision regarding the
 1621 issuance of the certificate of need in accordance with the
 1622 provisions of s. 287.057 (15) ~~(17)~~, rules adopted by the agency

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1623 relating to intermediate care facilities for the developmentally
 1624 disabled, and the criteria in s. 408.035, as further defined by
 1625 rule.

1626 Section 28. Subsection (3) of section 427.0135, Florida
 1627 Statutes, is amended to read:

1628 427.0135 Purchasing agencies; duties and
 1629 responsibilities.—Each purchasing agency, in carrying out the
 1630 policies and procedures of the commission, shall:

1631 (3) Not procure transportation disadvantaged services
 1632 without initially negotiating with the commission, as provided
 1633 in s. 287.057(3)(f)11. ~~s. 287.057(5)(f)13.~~, or unless otherwise
 1634 authorized by statute. If the purchasing agency, after
 1635 consultation with the commission, determines that it cannot
 1636 reach mutually acceptable contract terms with the commission,
 1637 the purchasing agency may contract for the same transportation
 1638 services provided in a more cost-effective manner and of
 1639 comparable or higher quality and standards. The Medicaid agency
 1640 shall implement this subsection in a manner consistent with s.
 1641 409.908(18) and as otherwise limited or directed by the General
 1642 Appropriations Act.

1643 Section 29. Paragraph (c) of subsection (5) of section
 1644 445.024, Florida Statutes, is amended to read:

1645 445.024 Work requirements.—

1646 (5) USE OF CONTRACTS.—Regional workforce boards shall
 1647 provide work activities, training, and other services, as
 1648 appropriate, through contracts. In contracting for work
 1649 activities, training, or services, the following applies:

1650 (c) Notwithstanding the exemption from the competitive

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1651 sealed bid requirements provided in s. 287.057 (3) ~~(5)~~ (f) for
 1652 certain contractual services, each contract awarded under this
 1653 chapter must be awarded on the basis of a competitive sealed
 1654 bid, except for a contract with a governmental entity as
 1655 determined by the regional workforce board.

1656 Section 30. Paragraph (b) of subsection (3) of section
 1657 481.205, Florida Statutes, is amended to read:

1658 481.205 Board of Architecture and Interior Design.—
 1659 (3)

1660 (b) The board shall contract with a corporation or other
 1661 business entity pursuant to s. 287.057 ~~(3)~~ to provide
 1662 investigative, legal, prosecutorial, and other services
 1663 necessary to perform its duties.

1664 Section 31. Subsection (41) of section 570.07, Florida
 1665 Statutes, is amended to read:

1666 570.07 Department of Agriculture and Consumer Services;
 1667 functions, powers, and duties.—The department shall have and
 1668 exercise the following functions, powers, and duties:

1669 (41) Notwithstanding the provisions of s. 287.057 (21) ~~(23)~~
 1670 that require all agencies to use the online procurement system
 1671 developed by the Department of Management Services, the
 1672 department may continue to use its own online system. However,
 1673 vendors utilizing such system shall be prequalified as meeting
 1674 mandatory requirements and qualifications and shall remit fees
 1675 pursuant to s. 287.057 (21) ~~(23)~~, and any rules implementing s.
 1676 287.057.

1677 Section 32. Paragraph (c) of subsection (5) of section
 1678 627.311, Florida Statutes, is amended to read:

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1679 | 627.311 Joint underwriters and joint reinsurers; public
 1680 | records and public meetings exemptions.—
 1681 | (5)
 1682 | (c) The operation of the plan shall be governed by a plan
 1683 | of operation that is prepared at the direction of the board of
 1684 | governors and approved by order of the office. The plan is
 1685 | subject to continuous review by the office. The office may, by
 1686 | order, withdraw approval of all or part of a plan if the office
 1687 | determines that conditions have changed since approval was
 1688 | granted and that the purposes of the plan require changes in the
 1689 | plan. The plan of operation shall:
 1690 | 1. Authorize the board to engage in the activities
 1691 | necessary to implement this subsection, including, but not
 1692 | limited to, borrowing money.
 1693 | 2. Develop criteria for eligibility for coverage by the
 1694 | plan, including, but not limited to, documented rejection by at
 1695 | least two insurers which reasonably assures that insureds
 1696 | covered under the plan are unable to acquire coverage in the
 1697 | voluntary market.
 1698 | 3. Require notice from the agent to the insured at the
 1699 | time of the application for coverage that the application is for
 1700 | coverage with the plan and that coverage may be available
 1701 | through an insurer, group self-insurers' fund, commercial self-
 1702 | insurance fund, or assessable mutual insurer through another
 1703 | agent at a lower cost.
 1704 | 4. Establish programs to encourage insurers to provide
 1705 | coverage to applicants of the plan in the voluntary market and
 1706 | to insureds of the plan, including, but not limited to:

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1707 a. Establishing procedures for an insurer to use in
 1708 notifying the plan of the insurer's desire to provide coverage
 1709 to applicants to the plan or existing insureds of the plan and
 1710 in describing the types of risks in which the insurer is
 1711 interested. The description of the desired risks must be on a
 1712 form developed by the plan.

1713 b. Developing forms and procedures that provide an insurer
 1714 with the information necessary to determine whether the insurer
 1715 wants to write particular applicants to the plan or insureds of
 1716 the plan.

1717 c. Developing procedures for notice to the plan and the
 1718 applicant to the plan or insured of the plan that an insurer
 1719 will insure the applicant or the insured of the plan, and notice
 1720 of the cost of the coverage offered; and developing procedures
 1721 for the selection of an insuring entity by the applicant or
 1722 insured of the plan.

1723 d. Provide for a market-assistance plan to assist in the
 1724 placement of employers. All applications for coverage in the
 1725 plan received 45 days before the effective date for coverage
 1726 shall be processed through the market-assistance plan. A market-
 1727 assistance plan specifically designed to serve the needs of
 1728 small, good policyholders as defined by the board must be
 1729 reviewed and updated periodically.

1730 5. Provide for policy and claims services to the insureds
 1731 of the plan of the nature and quality provided for insureds in
 1732 the voluntary market.

1733 6. Provide for the review of applications for coverage
 1734 with the plan for reasonableness and accuracy, using any

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1735	available historic information regarding the insured.		
1736	7. Provide for procedures for auditing insureds of the		
1737	plan which are based on reasonable business judgment and are		
1738	designed to maximize the likelihood that the plan will collect		
1739	the appropriate premiums.		
1740	8. Authorize the plan to terminate the coverage of and		
1741	refuse future coverage for any insured that submits a fraudulent		
1742	application to the plan or provides fraudulent or grossly		
1743	erroneous records to the plan or to any service provider of the		
1744	plan in conjunction with the activities of the plan.		
1745	9. Establish service standards for agents who submit		
1746	business to the plan.		
1747	10. Establish criteria and procedures to prohibit any		
1748	agent who does not adhere to the established service standards		
1749	from placing business with the plan or receiving, directly or		
1750	indirectly, any commissions for business placed with the plan.		
1751	11. Provide for the establishment of reasonable safety		
1752	programs for all insureds in the plan. All insureds of the plan		
1753	must participate in the safety program.		
1754	12. Authorize the plan to terminate the coverage of and		
1755	refuse future coverage to any insured who fails to pay premiums		
1756	or surcharges when due; who, at the time of application, is		
1757	delinquent in payments of workers' compensation or employer's		
1758	liability insurance premiums or surcharges owed to an insurer,		
1759	group self-insurers' fund, commercial self-insurance fund, or		
1760	assessable mutual insurer licensed to write such coverage in		
1761	this state; or who refuses to substantially comply with any		
1762	safety programs recommended by the plan.		

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1763 13. Authorize the board of governors to provide the goods
 1764 and services required by the plan through staff employed by the
 1765 plan, through reasonably compensated service providers who
 1766 contract with the plan to provide services as specified by the
 1767 board of governors, or through a combination of employees and
 1768 service providers.

1769 a. Purchases that equal or exceed \$2,500 but are less than
 1770 or equal to \$25,000, shall be made by receipt of written quotes,
 1771 telephone quotes, or informal bids, whenever practical. The
 1772 procurement of goods or services valued over \$25,000 is subject
 1773 to competitive solicitation, except in situations in which the
 1774 goods or services are provided by a sole source or are deemed an
 1775 emergency purchase, or the services are exempted from
 1776 competitive-solicitation requirements under s. 287.057 (3) ~~(5)~~ (f).
 1777 Justification for the sole-sourcing or emergency procurement
 1778 must be documented. Contracts for goods or services valued at or
 1779 over \$100,000 are subject to board approval.

1780 b. The board shall determine whether it is more cost-
 1781 effective and in the best interests of the plan to use legal
 1782 services provided by in-house attorneys employed by the plan
 1783 rather than contracting with outside counsel. In making such
 1784 determination, the board shall document its findings and shall
 1785 consider the expertise needed; whether time commitments exceed
 1786 in-house staff resources; whether local representation is
 1787 needed; the travel, lodging, and other costs associated with in-
 1788 house representation; and such other factors that the board
 1789 determines are relevant.

1790 14. Provide for service standards for service providers,

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1791 methods of determining adherence to those service standards,
 1792 incentives and disincentives for service, and procedures for
 1793 terminating contracts for service providers that fail to adhere
 1794 to service standards.

1795 15. Provide procedures for selecting service providers and
 1796 standards for qualification as a service provider that
 1797 reasonably assure that any service provider selected will
 1798 continue to operate as an ongoing concern and is capable of
 1799 providing the specified services in the manner required.

1800 16. Provide for reasonable accounting and data-reporting
 1801 practices.

1802 17. Provide for annual review of costs associated with the
 1803 administration and servicing of the policies issued by the plan
 1804 to determine alternatives by which costs can be reduced.

1805 18. Authorize the acquisition of such excess insurance or
 1806 reinsurance as is consistent with the purposes of the plan.

1807 19. Provide for an annual report to the office on a date
 1808 specified by the office and containing such information as the
 1809 office reasonably requires.

1810 20. Establish multiple rating plans for various
 1811 classifications of risk which reflect risk of loss, hazard
 1812 grade, actual losses, size of premium, and compliance with loss
 1813 control. At least one of such plans must be a preferred-rating
 1814 plan to accommodate small-premium policyholders with good
 1815 experience as defined in sub-subparagraph 22.a.

1816 21. Establish agent commission schedules.

1817 22. For employers otherwise eligible for coverage under
 1818 the plan, establish three tiers of employers meeting the

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1819 criteria and subject to the rate limitations specified in this
 1820 subparagraph.

1821 a. Tier One.—

1822 (I) Criteria; rated employers.—An employer that has an
 1823 experience modification rating shall be included in Tier One if
 1824 the employer meets all of the following:

1825 (A) The experience modification is below 1.00.

1826 (B) The employer had no lost-time claims subsequent to the
 1827 applicable experience modification rating period.

1828 (C) The total of the employer's medical-only claims
 1829 subsequent to the applicable experience modification rating
 1830 period did not exceed 20 percent of premium.

1831 (II) Criteria; non-rated employers.—An employer that does
 1832 not have an experience modification rating shall be included in
 1833 Tier One if the employer meets all of the following:

1834 (A) The employer had no lost-time claims for the 3-year
 1835 period immediately preceding the inception date or renewal date
 1836 of the employer's coverage under the plan.

1837 (B) The total of the employer's medical-only claims for
 1838 the 3-year period immediately preceding the inception date or
 1839 renewal date of the employer's coverage under the plan did not
 1840 exceed 20 percent of premium.

1841 (C) The employer has secured workers' compensation
 1842 coverage for the entire 3-year period immediately preceding the
 1843 inception date or renewal date of the employer's coverage under
 1844 the plan.

1845 (D) The employer is able to provide the plan with a loss
 1846 history generated by the employer's prior workers' compensation

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1847 insurer, except if the employer is not able to produce a loss
 1848 history due to the insolvency of an insurer, the receiver shall
 1849 provide to the plan, upon the request of the employer or the
 1850 employer's agent, a copy of the employer's loss history from the
 1851 records of the insolvent insurer if the loss history is
 1852 contained in records of the insurer which are in the possession
 1853 of the receiver. If the receiver is unable to produce the loss
 1854 history, the employer may, in lieu of the loss history, submit
 1855 an affidavit from the employer and the employer's insurance
 1856 agent setting forth the loss history.

1857 (E) The employer is not a new business.

1858 (III) Premiums.—The premiums for Tier One insureds shall
 1859 be set at a premium level 25 percent above the comparable
 1860 voluntary market premiums until the plan has sufficient
 1861 experience as determined by the board to establish an
 1862 actuarially sound rate for Tier One, at which point the board
 1863 shall, subject to paragraph (e), adjust the rates, if necessary,
 1864 to produce actuarially sound rates, provided such rate
 1865 adjustment shall not take effect prior to January 1, 2007.

1866 b. Tier Two.—

1867 (I) Criteria; rated employers.—An employer that has an
 1868 experience modification rating shall be included in Tier Two if
 1869 the employer meets all of the following:

1870 (A) The experience modification is equal to or greater
 1871 than 1.00 but not greater than 1.10.

1872 (B) The employer had no lost-time claims subsequent to the
 1873 applicable experience modification rating period.

1874 (C) The total of the employer's medical-only claims

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1875 subsequent to the applicable experience modification rating
 1876 period did not exceed 20 percent of premium.

1877 (II) Criteria; non-rated employers.—An employer that does
 1878 not have any experience modification rating shall be included in
 1879 Tier Two if the employer is a new business. An employer shall be
 1880 included in Tier Two if the employer has less than 3 years of
 1881 loss experience in the 3-year period immediately preceding the
 1882 inception date or renewal date of the employer's coverage under
 1883 the plan and the employer meets all of the following:

1884 (A) The employer had no lost-time claims for the 3-year
 1885 period immediately preceding the inception date or renewal date
 1886 of the employer's coverage under the plan.

1887 (B) The total of the employer's medical-only claims for
 1888 the 3-year period immediately preceding the inception date or
 1889 renewal date of the employer's coverage under the plan did not
 1890 exceed 20 percent of premium.

1891 (C) The employer is able to provide the plan with a loss
 1892 history generated by the workers' compensation insurer that
 1893 provided coverage for the portion or portions of such period
 1894 during which the employer had secured workers' compensation
 1895 coverage, except if the employer is not able to produce a loss
 1896 history due to the insolvency of an insurer, the receiver shall
 1897 provide to the plan, upon the request of the employer or the
 1898 employer's agent, a copy of the employer's loss history from the
 1899 records of the insolvent insurer if the loss history is
 1900 contained in records of the insurer which are in the possession
 1901 of the receiver. If the receiver is unable to produce the loss
 1902 history, the employer may, in lieu of the loss history, submit

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1903 an affidavit from the employer and the employer's insurance
 1904 agent setting forth the loss history.

1905 (III) Premiums.—The premiums for Tier Two insureds shall
 1906 be set at a rate level 50 percent above the comparable voluntary
 1907 market premiums until the plan has sufficient experience as
 1908 determined by the board to establish an actuarially sound rate
 1909 for Tier Two, at which point the board shall, subject to
 1910 paragraph (e), adjust the rates, if necessary, to produce
 1911 actuarially sound rates, provided such rate adjustment shall not
 1912 take effect prior to January 1, 2007.

1913 c. Tier Three.—

1914 (I) Eligibility.—An employer shall be included in Tier
 1915 Three if the employer does not meet the criteria for Tier One or
 1916 Tier Two.

1917 (II) Rates.—The board shall establish, subject to
 1918 paragraph (e), and the plan shall charge, actuarially sound
 1919 rates for Tier Three insureds.

1920 23. For Tier One or Tier Two employers which employ no
 1921 nonexempt employees or which report payroll which is less than
 1922 the minimum wage hourly rate for one full-time employee for 1
 1923 year at 40 hours per week, the plan shall establish actuarially
 1924 sound premiums, provided, however, that the premiums may not
 1925 exceed \$2,500. These premiums shall be in addition to the fee
 1926 specified in subparagraph 26. When the plan establishes
 1927 actuarially sound rates for all employers in Tier One and Tier
 1928 Two, the premiums for employers referred to in this paragraph
 1929 are no longer subject to the \$2,500 cap.

1930 24. Provide for a depopulation program to reduce the

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1931 number of insureds in the plan. If an employer insured through
 1932 the plan is offered coverage from a voluntary market carrier:
 1933 a. During the first 30 days of coverage under the plan;
 1934 b. Before a policy is issued under the plan;
 1935 c. By issuance of a policy upon expiration or cancellation
 1936 of the policy under the plan; or
 1937 d. By assumption of the plan's obligation with respect to
 1938 an in-force policy,
 1939
 1940 that employer is no longer eligible for coverage through the
 1941 plan. The premium for risks assumed by the voluntary market
 1942 carrier must be no greater than the premium the insured would
 1943 have paid under the plan, and shall be adjusted upon renewal to
 1944 reflect changes in the plan rates and the tier for which the
 1945 insured would qualify as of the time of renewal. The insured may
 1946 be charged such premiums only for the first 3 years of coverage
 1947 in the voluntary market. A premium under this subparagraph is
 1948 deemed approved and is not an excess premium for purposes of s.
 1949 627.171.
 1950 25. Require that policies issued and applications must
 1951 include a notice that the policy could be replaced by a policy
 1952 issued from a voluntary market carrier and that, if an offer of
 1953 coverage is obtained from a voluntary market carrier, the
 1954 policyholder is no longer eligible for coverage through the
 1955 plan. The notice must also specify that acceptance of coverage
 1956 under the plan creates a conclusive presumption that the
 1957 applicant or policyholder is aware of this potential.
 1958 26. Require that each application for coverage and each

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1959 renewal premium be accompanied by a nonrefundable fee of \$475 to
 1960 cover costs of administration and fraud prevention. The board
 1961 may, with the prior approval of the office, increase the amount
 1962 of the fee pursuant to a rate filing to reflect increased costs
 1963 of administration and fraud prevention. The fee is not subject
 1964 to commission and is fully earned upon commencement of coverage.

1965 Section 33. Paragraph (e) of subsection (6) of section
 1966 627.351, Florida Statutes, is amended to read:

1967 627.351 Insurance risk apportionment plans.—

1968 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1969 (e) Purchases that equal or exceed \$2,500, but are less
 1970 than \$25,000, shall be made by receipt of written quotes,
 1971 written record of telephone quotes, or informal bids, whenever
 1972 practical. The procurement of goods or services valued at or
 1973 over \$25,000 shall be subject to competitive solicitation,
 1974 except in situations where the goods or services are provided by
 1975 a sole source or are deemed an emergency purchase; the services
 1976 are exempted from competitive solicitation requirements under s.
 1977 287.057 (3) ~~(5)~~ (f); or the procurement of services is subject to
 1978 s. 627.3513. Justification for the sole-sourcing or emergency
 1979 procurement must be documented. Contracts for goods or services
 1980 valued at or over \$100,000 are subject to approval by the board.

1981 Section 34. Subsection (2) of section 765.5155, Florida
 1982 Statutes, is amended to read:

1983 765.5155 Donor registry; education program.—

1984 (2) The agency and the department shall jointly contract
 1985 for the operation of a donor registry and education program. The
 1986 contractor shall be procured by competitive solicitation

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1987 pursuant to chapter 287, notwithstanding any exemption in s.
 1988 287.057 (3) ~~(5)~~ (f). When awarding the contract, priority shall be
 1989 given to existing nonprofit groups that are based within the
 1990 state, have expertise working with procurement organizations,
 1991 have expertise in conducting statewide organ and tissue donor
 1992 public education campaigns, and represent the needs of the organ
 1993 and tissue donation community in the state.

1994 Section 35. Subsection (10) of section 893.055, Florida
 1995 Statutes, is amended to read:

1996 893.055 Prescription drug monitoring program.—

1997 (10) All costs incurred by the department in administering
 1998 the prescription drug monitoring program shall be funded through
 1999 federal grants or private funding applied for or received by the
 2000 state. The department may not commit funds for the monitoring
 2001 program without ensuring funding is available. The prescription
 2002 drug monitoring program and the implementation thereof are
 2003 contingent upon receipt of the nonstate funding. The department
 2004 and state government shall cooperate with the direct-support
 2005 organization established pursuant to subsection (11) in seeking
 2006 federal grant funds, other nonstate grant funds, gifts,
 2007 donations, or other private moneys for the department so long as
 2008 the costs of doing so are not considered material. Nonmaterial
 2009 costs for this purpose include, but are not limited to, the
 2010 costs of mailing and personnel assigned to research or apply for
 2011 a grant. Notwithstanding the exemptions to competitive-
 2012 solicitation requirements under s. 287.057 (3) ~~(5)~~ (f), the
 2013 department shall comply with the competitive-solicitation
 2014 requirements under s. 287.057 for the procurement of any goods

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2015 or services required by this section.

2016 Section 36. Subsection (3) of section 1013.38, Florida
 2017 Statutes, is amended to read:

2018 1013.38 Boards to ensure that facilities comply with
 2019 building codes and life safety codes.—

2020 (3) The Department of Management Services may, upon
 2021 request, provide facilities services for the Florida School for
 2022 the Deaf and the Blind, the Division of Blind Services, and
 2023 public broadcasting. As used in this section, the term
 2024 "facilities services" means project management, code and design
 2025 plan review, and code compliance inspection for projects as
 2026 defined in s. 287.017 (5) ~~(1)(e)~~.

2027 Section 37. Section 21 of chapter 2009-55, 2009 Laws of
 2028 Florida, is amended to read:

2029 Section 21. The Agency for Health Care Administration
 2030 shall develop and implement a home health agency monitoring
 2031 pilot project in Miami-Dade County by January 1, 2010. The
 2032 agency shall contract with a vendor to verify the utilization
 2033 and the delivery of home health services and provide an
 2034 electronic billing interface for such services. The contract
 2035 must require the creation of a program to submit claims for the
 2036 home health services electronically. The program must verify
 2037 visits for the delivery of home health services telephonically
 2038 using voice biometrics. The agency may seek amendments to the
 2039 Medicaid state plan and waivers of federal law, as necessary, to
 2040 implement the pilot project. Notwithstanding s.

2041 287.057 (3) ~~(5)~~ (f), Florida Statutes, the agency must award the
 2042 contract through the competitive solicitation process. The

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2043 agency shall submit a report to the Governor, the President of
 2044 the Senate, and the Speaker of the House of Representatives
 2045 evaluating the pilot project by February 1, 2011.

2046 Section 38. Section 31 of chapter 2009-223, Laws of
 2047 Florida, is amended to read:

2048 Section 31. Pilot project to monitor home health
 2049 services.—The Agency for Health Care Administration shall
 2050 develop and implement a home health agency monitoring pilot
 2051 project in Miami-Dade County by January 1, 2010. The agency
 2052 shall contract with a vendor to verify the utilization and
 2053 delivery of home health services and provide an electronic
 2054 billing interface for home health services. The contract must
 2055 require the creation of a program to submit claims
 2056 electronically for the delivery of home health services. The
 2057 program must verify telephonically visits for the delivery of
 2058 home health services using voice biometrics. The agency may seek
 2059 amendments to the Medicaid state plan and waivers of federal
 2060 laws, as necessary, to implement the pilot project.

2061 Notwithstanding s. 287.057(3)~~(5)~~(f), Florida Statutes, the
 2062 agency must award the contract through the competitive
 2063 solicitation process. The agency shall submit a report to the
 2064 Governor, the President of the Senate, and the Speaker of the
 2065 House of Representatives evaluating the pilot project by
 2066 February 1, 2011.

2067 Section 39. This act shall take effect July 1, 2010.