

CHAPTER 83-92

Committee Substitute for House Bill No. 179

An act relating to information technology and planning; creating s. 11.39, Florida Statutes; creating a Legislative Information Technology Resource Committee; providing for its membership and duties; creating s. 14.203, Florida Statutes; establishing the Information Resource Commission and an executive administrator of the commission; creating chapter 24, Florida Statutes; providing the powers and duties of the Information Resource Commission; requiring that departments submit an information technology resource plan to the commission; providing the minimum components to the plan; requiring the commission to approve or disapprove the plan; providing for supplementation to the plan; requiring prior approval of the commission for the acquisition of certain items; prohibiting the acquisition of information technology resources that are not part of an approved plan or supplement; providing that the Executive Office of the Governor may withhold appropriations for noncompliance; requiring the state university system to prepare a plan; requiring the judicial branch to prepare a plan; providing for an information resource manager in each department; providing for a data processing advisory council for certain data processing centers; providing for membership and duties; abolishing the Division of Electronic Data Processing of the Department of General Services; amending s. 20.22, Florida Statutes; establishing the Division of Information Services; repealing ss. 23.021, 23.022, 23.026, 23.027, 23.028, 23.030, 23.031, 23.032, and 25.382(4), Florida Statutes; transferring s. 23.029, Florida Statutes, and renumbering as s. 216.272, Florida Statutes; amending s. 215.96(2) and (3)(a), Florida Statutes; providing for membership of the coordinating council established under the Florida Fiscal Accounting Management Information System Act; requiring the council to conduct studies to establish an information technology resource plan; providing requirements with respect thereto; amending s. 120.53(5), Florida Statutes; requiring certain agencies to adopt rules for contract bidding protests; adding s. 216.031(11), Florida Statutes, 1982 Supplement; requiring that an approved information technology resource plan be submitted with each agency's budget request; providing for review and future repeal of provisions of the act; providing that contracts in existence on the effective date remain in force; providing an effective date.

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

120.53 Adoption of rules of procedure and public inspection.--

(5) An agency which enters into a contract pursuant to the provisions of part II of chapter 24 ~~23~~, chapter 255, chapter 287, or chapters 334-349 shall adopt rules

specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.

2. For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail, return receipt requested.

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under chapter 120, Florida Statutes."

(b) Any person who is affected adversely by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a formal written protest within 10 days after the date he filed the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under chapter 120.

(c) Upon receipt of a notice of protest which has been timely filed, the agency shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final agency action, unless the agency head sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

(d) The agency, on its own initiative or upon the request of a protestor, shall provide an opportunity to resolve the protest by mutual agreement between the parties within 14 days of receipt of a formal written protest.

1. If the subject of a protest is not resolved by mutual agreement within 14 days of receipt of the formal written protest and if there is no disputed issue of material fact, an informal proceeding shall be conducted pursuant to s. 120.57(2) and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.

2. If the subject of a protest is not resolved by mutual agreement within 14 days of receipt of the formal written protest and if there is a disputed issue of material fact, the agency shall refer the protest to the division for proceedings under s. 120.57(1).