

Notice of Proposed Rule

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.:RULE TITLES:

60A-1.001 Definitions

60A-1.005 Eligible Users

PURPOSE AND EFFECT: Proposed rule Rule 60A-1.001, F.A.C., Definitions, deletes obsolete definitions, adds new definitions, and clarifies existing definitions to reflect current purchasing practices. The proposed repeal of Rule 60A-1.005, F.A.C., Eligible User, removes duplicative language now defined in proposed rule 60A-1.001, F.A.C. This is a substantial re-wording of rule 60A-1.001, F.A.C., Definitions, which provides operationally defined terms used throughout the rule chapter. The changes reflect updating language to remove duplicative wording and antiquated terminology. The proposed repeal of rule 60A-1.005, F.A.C., Eligible User, is enacted to remove duplicative language.

SUMMARY: Proposed rule 60A-1.001, F.A.C., Definitions, deletes antiquated terminology, clarifies existing definitions, and adds new definitions, including "eligible user," thus allowing for repeal of rule 60A-1.005, F.A.C., Eligible Users.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The economic review conducted by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 287.012(11), 287.032(2), 287.042(12), FS.

LAW IMPLEMENTED: 287.012(11), 287.042, 287.057, 287.058, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, November 29, 2016, 3:30 p.m. – 4:30 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: 850-487-3833, Email: Daniel.may@dms.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: Daniel.may@dms.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 60A-1.001, F.A.C. follows. See Florida Administrative Code for present text.

60A-1.001 Definitions

This rule defines terms used in rule chapter 60A-1, F.A.C. Other terms used in rule chapter 60A-1 shall be construed in accordance with definitions contained in chapter 287, F.S. Terms not defined by statute or rule shall be construed according to their plain meaning, and in all cases with the objective of advancing the purpose of the rule in which they appear.

(1) Contract means a mutually binding legal relationship evidenced by a written agreement obligating a

Contractor to furnish commodities or contractual services to the Department, an agency, an eligible user, or another state. A Contract requires signatures of all parties.

(2) Eligible User means:

(a) United States government departments, commissions, agencies, and instrumentalities thereof, having a physical presence within the State of Florida;

(b) This state's constitutional, judicial branch, and legislative branch entities, and instrumentalities thereof;

(c) Instrumentalities of this state's executive branch agencies;

(d) State universities and colleges, their boards of trustees, and the board of governors, as described by ss. 1000.21, 1001.60, and 1001.71, F.S., and instrumentalities thereof. (e) Political subdivisions, including counties, cities, towns, villages and districts, as described by s. 1.01(8), F.S., and instrumentalities thereof;

(f) School districts, as described by s. 1001.30, F.S., and instrumentalities thereof;

(g) Independent, nonprofit colleges or universities located within the State of Florida and accredited by the Southern Association of Colleges and Schools;

(h) For purposes of insurance contracts procured pursuant to s. 287.022, F.S., only state universities, as described by s. 1000.21, F.S., are eligible users.

(3) Purchase Order means a written agreement formalizing the terms and conditions under which a Vendor furnishes commodities or contractual services to the Department or an agency.

(4) Vendor means a person or entity that may provide or is providing commodities or contractual services under a Purchase Order or Contract.

Rulemaking Authority 287.012(11), 287.032(2), 287.042(12), ~~287.032~~ FS. Law Implemented ~~287.001~~, 287.012(11), 287.042, 287.057, 287.058 FS. History--New 5-20-64, Amended 2-6-68, 5-20-71, 5-19-72, 7-31-75, 10-1-78, 11-14-79, 8-6-81, 10-11-81, 4-29-82, 8-26-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, 8-22-04, Revised xx-xx-16.

60A-1.005 Eligible Users.

Rulemaking Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History--New 8-24-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Judson Freeman, Deputy Director of Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 13, 2016