

By Senator Wise

5-00497A-11

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1                   A bill to be entitled  
2           An act relating to preference in award of state  
3           contracts; amending s. 287.084, F.S.; expanding  
4           provisions that authorize an agency, county,  
5           municipality, school district, or other political  
6           subdivision of the state to provide preferential  
7           consideration to a Florida business in awarding  
8           competitively bid contracts to purchase personal  
9           property to include the purchase of construction  
10          services; providing that for specified competitive  
11          solicitations the authority to grant preference  
12          supersedes any local ordinance or regulation that  
13          grants preference to specified vendors; requiring a  
14          county, municipality, school district, or other  
15          political subdivision to make specified disclosures in  
16          competitive solicitation documents; providing  
17          construction; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Subsection (1) of section 287.084, Florida  
22           Statutes, is amended to read:

23           287.084 Preference to Florida businesses.—

24           (1) (a) When an agency, county, municipality, school  
25           district, or other political subdivision of the state is  
26           required to make purchases of personal property or construction  
27           services through competitive solicitation and the lowest  
28           responsible and responsive bid, proposal, or reply is by a  
29           vendor whose principal place of business is in a state or

5-00497A-11

2011574

30 political subdivision thereof which grants a preference for the  
31 purchase of such personal property or construction services to a  
32 person whose principal place of business is in such state, then  
33 the agency, county, municipality, school district, or other  
34 political subdivision of this state may award a preference to  
35 the lowest responsible and responsive vendor having a principal  
36 place of business within this state, which preference is equal  
37 to the preference granted by the state or political subdivision  
38 thereof in which the lowest responsible and responsive vendor  
39 has its principal place of business. However, this section does  
40 not apply to transportation projects for which federal aid funds  
41 are available.

42 (b)1. For a competitive solicitation in which payment for  
43 the personal property or construction services is to be made in  
44 whole or in part from funds appropriated by the state, this  
45 section preempts and supersedes any local ordinance or  
46 regulation that grants preference to a vendor based upon:

47 a. The vendor maintaining an office or place of business  
48 within a particular local jurisdiction;

49 b. The vendor hiring employees or subcontractors from  
50 within a particular local jurisdiction; or

51 c. The vendor's prior payment of local taxes, assessments,  
52 or duties within a particular local jurisdiction.

53 2. In any competitive solicitation subject to this section,  
54 a county, municipality, school district, or other political  
55 subdivision shall disclose in the solicitation document whether  
56 payment will come from funds appropriated by the state and, if  
57 known, the amount of such funds or the percentage of such funds  
58 as compared to the anticipated total cost of the personal

5-00497A-11

2011574\_\_

59 property or construction services.

60 3. Except as provided in subparagraph 1., this section does  
61 not prevent a county, municipality, school district, or other  
62 political subdivision of this state from awarding a contract to  
63 any vendor in accordance with applicable state laws or local  
64 ordinances or regulations.

65 Section 2. This act shall take effect July 1, 2011.