

2012538e1

1                   A bill to be entitled  
2           An act relating to preference to Florida businesses in  
3           procurement of personal property and services;  
4           providing a short title; amending s. 283.35, F.S.;  
5           requiring an agency, university, college, school  
6           district, or other political subdivision of the state  
7           to grant a specified preference to a vendor located  
8           within the state when awarding a contract for  
9           printing; specifying the percentage of preference to  
10          be granted; amending s. 287.057, F.S.; providing an  
11          exception to the requirement for competitive  
12          solicitation of contractual services and commodities  
13          for public service announcement programs provided by  
14          certain nonprofit corporations; amending s. 287.084,  
15          F.S.; requiring, rather than authorizing, an agency,  
16          university, college, school district, or other  
17          political subdivision of the state in making purchases  
18          of personal property through competitive solicitation  
19          to award a preference to the lowest responsible and  
20          responsive vendor having a principal place of business  
21          within this state under specified circumstances;  
22          specifying the percentage of preference to be granted;  
23          providing nonapplicability; prohibiting the preclusion  
24          of a vendor whose principal place of business is in  
25          this state from being an authorized reseller of  
26          information technology commodities of state  
27          contractors, under certain circumstances; providing an  
28          effective date.  
29

2012538e1

30 Be It Enacted by the Legislature of the State of Florida:  
31

32 Section 1. This act may be cited as the "Buy Florida Act."

33 Section 2. Section 283.35, Florida Statutes, is amended to  
34 read:

35 283.35 Preference given printing within the state. ~~Every~~  
36 ~~agency shall give preference to vendors located within the state~~  
37 When awarding a contract ~~contracts~~ to have materials printed,  
38 the agency, university, college, school district, or other  
39 political subdivision of this state awarding the contract shall  
40 grant a preference to the lowest responsible and responsive  
41 vendor having a principal place of business within this state.  
42 The preference shall be 5 percent if the lowest bid is submitted  
43 by a vendor whose principal place of business is located outside  
44 the state and if the ~~whenever such~~ printing can be performed in  
45 this state ~~done at no greater expense than the expense of~~  
46 ~~awarding a contract to a vendor located outside the state and~~  
47 ~~can be done~~ at a level of quality comparable to that obtainable  
48 from the a vendor submitting the lowest bid located outside the  
49 state. As used in this section, the term "other political  
50 subdivision of this state" does not include counties or  
51 municipalities.

52 Section 3. Paragraph (f) of subsection (3) of section  
53 287.057, Florida Statutes, is amended to read:

54 287.057 Procurement of commodities or contractual  
55 services.—

56 (3) When the purchase price of commodities or contractual  
57 services exceeds the threshold amount provided in s. 287.017 for  
58 CATEGORY TWO, no purchase of commodities or contractual services

2012538e1

59 may be made without receiving competitive sealed bids,  
60 competitive sealed proposals, or competitive sealed replies  
61 unless:

62 (f) The following contractual services and commodities are  
63 not subject to the competitive-solicitation requirements of this  
64 section:

65 1. Artistic services. For the purposes of this subsection,  
66 the term "artistic services" does not include advertising or  
67 typesetting. As used in this subparagraph, the term  
68 "advertising" means the making of a representation in any form  
69 in connection with a trade, business, craft, or profession in  
70 order to promote the supply of commodities or services by the  
71 person promoting the commodities or contractual services.

72 2. Academic program reviews if the fee for such services  
73 does not exceed \$50,000.

74 3. Lectures by individuals.

75 4. Legal services, including attorney, paralegal, expert  
76 witness, appraisal, or mediator services.

77 5.a. Health services involving examination, diagnosis,  
78 treatment, prevention, medical consultation, or administration.

79 b. Beginning January 1, 2011, health services, including,  
80 but not limited to, substance abuse and mental health services,  
81 involving examination, diagnosis, treatment, prevention, or  
82 medical consultation, when such services are offered to eligible  
83 individuals participating in a specific program that qualifies  
84 multiple providers and uses a standard payment methodology.  
85 Reimbursement of administrative costs for providers of services  
86 purchased in this manner shall also be exempt. For purposes of  
87 this sub-subparagraph, "providers" means health professionals,

2012538e1

88 health facilities, or organizations that deliver or arrange for  
89 the delivery of health services.

90 6. Services provided to persons with mental or physical  
91 disabilities by not-for-profit corporations which have obtained  
92 exemptions under the provisions of s. 501(c)(3) of the United  
93 States Internal Revenue Code or when such services are governed  
94 by the provisions of Office of Management and Budget Circular A-  
95 122. However, in acquiring such services, the agency shall  
96 consider the ability of the vendor, past performance,  
97 willingness to meet time requirements, and price.

98 7. Medicaid services delivered to an eligible Medicaid  
99 recipient unless the agency is directed otherwise in law.

100 8. Family placement services.

101 9. Prevention services related to mental health, including  
102 drug abuse prevention programs, child abuse prevention programs,  
103 and shelters for runaways, operated by not-for-profit  
104 corporations. However, in acquiring such services, the agency  
105 shall consider the ability of the vendor, past performance,  
106 willingness to meet time requirements, and price.

107 10. Training and education services provided to injured  
108 employees pursuant to s. 440.491(6).

109 11. Contracts entered into pursuant to s. 337.11.

110 12. Services or commodities provided by governmental  
111 agencies.

112 13. Statewide public service announcement programs provided  
113 by a Florida statewide nonprofit corporation under s. 501(c)(6)  
114 of the Internal Revenue Code, with a guaranteed documented match  
115 of at least \$3 to \$1.

116 Section 4. Section 287.084, Florida Statutes, is amended to

2012538e1

117 read:

118 287.084 Preference to Florida businesses.—

119 (1) (a) When an agency, university, college, ~~county,~~  
120 ~~municipality,~~ school district, or other political subdivision of  
121 the state is required to make purchases of personal property  
122 through competitive solicitation and the lowest responsible and  
123 responsive bid, proposal, or reply is by a vendor whose  
124 principal place of business is in a state or political  
125 subdivision thereof which grants a preference for the purchase  
126 of such personal property to a person whose principal place of  
127 business is in such state, then the agency, university, college  
128 ~~county, municipality,~~ school district, or other political  
129 subdivision of this state shall ~~may~~ award a preference to the  
130 lowest responsible and responsive vendor having a principal  
131 place of business within this state, which preference is equal  
132 to the preference granted by the state or political subdivision  
133 thereof in which the lowest responsible and responsive vendor  
134 has its principal place of business. In a competitive  
135 solicitation in which the lowest bid is submitted by a vendor  
136 whose principal place of business is located outside the state  
137 and that state does not grant a preference in competitive  
138 solicitation to vendors having a principal place of business in  
139 that state, the preference to the lowest responsible and  
140 responsive vendor having a principal place of business in this  
141 state shall be 5 percent.

142 (b) Paragraph (a) ~~However, this section~~ does not apply to  
143 transportation projects for which federal aid funds are  
144 available.

145 (c) As used in this section, the term "other political

2012538e1

146 subdivision of this state" does not include counties or  
147 municipalities.

148 ~~(2) If a solicitation provides for the granting of such~~  
149 ~~preference as is provided in this section,~~ Any vendor whose  
150 principal place of business is outside the State of Florida must  
151 accompany any written bid, proposal, or reply documents with a  
152 written opinion of an attorney at law licensed to practice law  
153 in that foreign state, as to the preferences, if any or none,  
154 granted by the law of that state to its own business entities  
155 whose principal places of business are in that foreign state in  
156 the letting of any or all public contracts.

157 (3) (a) A vendor whose principal place of business is in  
158 this state may not be precluded from being an authorized  
159 reseller of information technology commodities of a state  
160 contractor as long as the vendor demonstrates that it employs an  
161 internationally recognized quality management system, such as  
162 ISO 9001 or its equivalent, and provides a warranty on the  
163 information technology commodities which is, at a minimum, of  
164 equal scope and length as that of the contract.

165 (b) This subsection applies to any renewal of any state  
166 contract executed on or after July 1, 2012.

167 Section 5. This act shall take effect July 1, 2012.