

1 A bill to be entitled
 2 An act relating to state procurement; defining the
 3 term "local business"; providing preference for local
 4 businesses in state contracting for goods and
 5 contractual services, including construction services;
 6 providing for applicability; providing an effective
 7 date.

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

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 11 Section 1. (1) As used in this section, the term "local
 12 business" means a business entity of which:

13 (a) At least 60 percent of the individuals who
 14 collectively own the business reside in the state.

15 (b) The business's principal place of business has been
 16 located in the state for at least 1 year. For purposes of this
 17 subsection, the term "principal place of business" means a fully
 18 operational office at which the majority of the business's
 19 employees and principals are located.

20 (c) At least 60 percent of the business's employees reside
 21 in the state at the time of contract award.

22 (2) (a) Every state procurement shall be evaluated before
 23 advertisement to determine whether a local preference is
 24 appropriate. The factors to be considered in such evaluation
 25 include, but are not limited to, the availability of local
 26 businesses to provide the goods or contractual services,
 27 including construction services.

28 (b) When the state makes a procurement for goods or

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29 contractual services, including construction services, and
30 identifies an opportunity to afford a local preference, the
31 state shall give preference to a local business as follows:

32 1. In a low bid procurement, when a business that is not a
33 local business is the lowest responsive bidder and the bid of a
34 local business is no more than 10 percent above the lowest bid
35 or, in the alternative the actual dollar bid is no more than the
36 established dollar threshold for that particular procurement
37 above the lowest bid, preference shall be given to the local
38 business by offering the local business and the nonlocal
39 business that was the lowest responsive bidder an opportunity to
40 submit a best and final bid equal to or lower than the amount of
41 the lowest bid.

42 2. The contract award shall be made to the bidder
43 submitting the lowest best and final bid. In the case of a tie
44 in the best and final bid between the local business and the
45 nonlocal business, the contract award shall be made to the local
46 business.

47 (3) A business that intentionally misrepresents its
48 qualifications as a local business in a proposal or bid
49 submitted to the state shall lose the privilege to claim local
50 preference status for a period of 2 years.

51 (4) This section does not apply to a procurement if:

52 (a) Such preference is prohibited by law.

53 (b) The procurement is designated for small business.

54 (c) It is an emergency procurement.

55 (d) It is a sole source procurement.

56 Section 2. This act shall take effect July 1, 2013.