

By Senator Campbell

33-1202-98

See CS/HB 231

1                                   A bill to be entitled  
2           An act relating to illegal aliens; amending s.  
3           287.012, F.S.; providing that, to be a  
4           "qualified bidder" with respect to providing  
5           personal property or services, a person must  
6           comply with any contract conditions prohibiting  
7           the employment of illegal aliens, as defined;  
8           amending s. 287.057, F.S.; requiring that  
9           invitations to bid, requests for proposal, and  
10          contracts shall contain notice specifying that  
11          contracts with a contractor who knowingly  
12          employs illegal aliens shall be subject to  
13          unilateral cancellation; providing an effective  
14          date.

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

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18           Section 1. Subsection (13) of section 287.012, Florida  
19 Statutes, is amended, and subsection (20) is added to that  
20 section, to read:

21           287.012 Definitions.--The following definitions shall  
22 apply in this part:

23           (13) "Qualified bidder," "responsible bidder,"  
24 "qualified offeror," or "responsible offeror" means a person  
25 who has the capability in all respects to perform fully the  
26 contract requirements, complies with any contract conditions  
27 prohibiting the employment of illegal aliens, and has the  
28 integrity and reliability which will assure good faith  
29 performance.

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1           (20) "Illegal alien" means a person who is in the  
2 state in violation of immigration laws and the Constitution of  
3 the United States.

4           Section 2. Subsection (1) of section 287.057, Florida  
5 Statutes, is amended, and subsection (22) is added to said  
6 section, to read:

7           287.057 Procurement of commodities or contractual  
8 services.--

9           (1)(a) Unless otherwise authorized by law, all  
10 contracts for the purchase of commodities or contractual  
11 services in excess of the threshold amount provided in s.  
12 287.017 for CATEGORY TWO shall be awarded by competitive  
13 sealed bidding. An invitation to bid shall be issued which  
14 shall include a detailed description of the commodities or  
15 contractual services sought; the date for submittal of bids;  
16 and all contractual terms and conditions applicable to the  
17 procurement of commodities or contractual services, including  
18 the criteria which shall include, but need not be limited to,  
19 price, to be used in determining acceptability of the bid. If  
20 the agency contemplates renewal of the contract, it shall be  
21 so stated in the invitation to bid. The bid shall include the  
22 price for each year for which the contract may be renewed.  
23 Evaluation of bids shall include consideration of the total  
24 cost for each year as quoted by the bidder. No criteria may  
25 be used in determining acceptability of the bid which ~~that~~ was  
26 not set forth in the invitation to bid. The contract shall be  
27 awarded with reasonable promptness by written notice to the  
28 qualified and responsive bidder who submits the lowest  
29 responsive bid. This bid must be determined in writing to  
30 meet the requirements and criteria set forth in the invitation  
31 to bid.

1           (b) Each invitation to bid, request for proposal, or  
2 contract shall contain the following notice:

3                           NOTICE TO CONTRACTOR:

4           The employment of unauthorized aliens is considered a  
5 violation of s. 274A(c) of the Immigration and Nationality  
6 Act. If a contractor knowingly employs unauthorized aliens,  
7 such violation shall be cause for unilateral cancellation of  
8 the contract.

9           (22) Any contract with a contractor who knowingly  
10 employs illegal aliens shall be subject to unilateral  
11 cancellation.

12           Section 3. This act shall take effect October 1, 1998.

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15                           SENATE SUMMARY

16           Requires qualified bidders for state contracts to comply  
17 with contract conditions prohibiting the employment of  
18 illegal aliens. Requires invitations to bid, requests for  
19 proposals, and contracts to give notice that the  
20 employment of illegal aliens makes the contract subject  
21 to unilateral cancellation.  
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