## Florida Senate - 1998

By the Committee on Commerce and Economic Opportunities; and Senator Campbell

	310-2210-98
1	A bill to be entitled
2	An act relating to persons not legally
3	authorized for employment; amending s. 287.012,
4	F.S.; providing that, to be a "qualified
5	bidder" with respect to providing personal
б	property or services, a person must comply with
7	any contract conditions prohibiting the
8	employment of persons not legally authorized
9	for such employment; amending s. 287.057, F.S.;
10	requiring that invitations to bid, requests for
11	proposal, and contracts shall contain notice
12	specifying that contracts with a contractor who
13	knowingly employs persons not legally
14	authorized for such employment shall be subject
15	to cancellation; providing the process for such
16	cancellation; providing an effective date.
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18	Be It Enacted by the Legislature of the State of Florida:
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20	Section 1. Subsection (13) of section 287.012, Florida
21	Statutes, is amended to read:
22	287.012 DefinitionsThe following definitions shall
23	apply in this part:
24	(13) "Qualified bidder," "responsible bidder,"
25	"qualified offeror," or "responsible offeror" means a person
26	who has the capability in all respects to perform fully the
27	contract requirements, complies with any contract conditions
28	prohibiting the employment of persons not legally authorized
29	for such employment, and has the integrity and reliability
30	which will assure good faith performance.
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CODING: Words stricken are deletions; words underlined are additions.

1 Section 2. Subsection (1) of section 287.057, Florida 2 Statutes, is amended, and subsection (22) is added to said 3 section, to read: 287.057 Procurement of commodities or contractual 4 5 services.-б (1)(a) Unless otherwise authorized by law, all 7 contracts for the purchase of commodities or contractual services in excess of the threshold amount provided in s. 8 9 287.017 for CATEGORY TWO shall be awarded by competitive 10 sealed bidding. An invitation to bid shall be issued which 11 shall include a detailed description of the commodities or contractual services sought; the date for submittal of bids; 12 13 and all contractual terms and conditions applicable to the 14 procurement of commodities or contractual services, including the criteria which shall include, but need not be limited to, 15 price, to be used in determining acceptability of the bid. If 16 17 the agency contemplates renewal of the contract, it shall be so stated in the invitation to bid. The bid shall include the 18 19 price for each year for which the contract may be renewed. 20 Evaluation of bids shall include consideration of the total cost for each year as quoted by the bidder. No criteria may 21 be used in determining acceptability of the bid which that was 22 not set forth in the invitation to bid. The contract shall be 23 24 awarded with reasonable promptness by written notice to the 25 qualified and responsive bidder who submits the lowest responsive bid. This bid must be determined in writing to 26 meet the requirements and criteria set forth in the invitation 27 28 to bid. 29 (b) Each invitation to bid, request for proposal, or contract shall contain the following notice: 30 NOTICE TO CONTRACTOR: 31 2

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1	The employment of persons whom the contractor, through
2	the actions of the owner, chief executive officer, chief
3	financial officer, or any person with authority to hire and
4	manage the operations of the contractor's business, knows are
5	not legally authorized for such employment shall be cause for
б	cancellation of the contract pursuant to section 287.057(22),
7	Florida Statutes.
8	(22) Any contract with a contractor who knowingly,
9	through the actions of the owner, chief executive officer,
10	chief financial officer, or any person with authority to hire
11	and manage the operations of the contractor's business,
12	employs persons not legally authorized for such employment
13	shall be subject to cancellation by filing for declaratory
14	judgment in the circuit court wherein the state agency, as
15	defined in s. 287.012(1), maintains its principal place of
16	business.
17	Section 3. This act shall take effect October 1, 1998.
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19	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
20	Senate Bill 1064
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22	The committee substitute:
23	Eliminates references to "illegal aliens," to instead make the measure's government contractor qualification, notice, and
24	contract cancellation provisions applicable to the employment of persons "not legally authorized for such employment."
25	Bases a contractor's responsibility relating to the employment
26	of persons not legally authorized for such employment upon the actions of the owner, chief executive officer, chief financial
27	officer, or any person with authority to hire and manage the operations of the contractor's business.
28	Specifies that a contract with a contractor who knowingly
29	employs persons not legally authorized for such employment is subject to cancellation by filing for declaratory judgment in
30	the circuit court where the applicable state agency maintains its principal place of business.
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