

By the Committee on Governmental Operations and
Representatives Lippman and Feeney

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, 1996 Supplement, is amended, and subsection (20) is
20 added to that 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, 1996 Supplement, is amended, and subsection (22) is
6 added to said 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 that was not
26 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) Every 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, 1997.
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