

By Senator Turner

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A bill to be entitled  
An act relating to small businesses; amending  
ss. 235.31, 287.093 F.S.; authorizing a county,  
municipality, community college, or district  
school board to allocate certain funds for  
construction contracts with small businesses  
and for contracts with small businesses for  
personal property or services; providing an  
effective date.

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

Section 1. Subsection (1) of section 235.31, Florida  
Statutes, is amended to read:

235.31 Advertising and awarding contracts;  
prequalification of contractor.--

(1)(a) As soon as practicable after any bond issue has  
been voted upon and authorized or funds have been made  
available for the construction, remodeling, renovation,  
demolition, or otherwise for the improvement, of any  
educational or ancillary plant, and after plans for the work  
have been approved, the board, if competitively bidding the  
project pursuant to s. 235.211, after advertising the same in  
the manner prescribed by law or rule, shall award the contract  
for the building or improvements to the lowest responsible  
bidder. However, if after taking all deductive alternates,  
the bid of the lowest responsible bidder exceeds the  
construction budget for the project established at the phase  
III submittal, the board may declare an emergency. After  
stating the reasons why an emergency exists, the board may  
negotiate the construction contract or modify the contract,

1 including the specifications, with the lowest responsible  
2 bidder and, if the contract is modified, shall resubmit the  
3 documents to the department for review. The board may reject  
4 all bids received and may readvertise, calling for new bids.

5 (b) Each board may declare an emergency pursuant to  
6 this subsection. A situation created by fire, storm, or other  
7 providential cause resulting in:

- 8 1. Imminent danger to life or safety; or
- 9 2. Overcrowding of students

10  
11 constitutes an emergency.

12 (c) As an option, any county, municipality, community  
13 college, or district school board may set aside up to 10  
14 percent of the total amount of funds allocated for the purpose  
15 of entering into construction capital project contracts with  
16 minority business enterprises, as defined in s. 287.094. Such  
17 contracts shall be competitively bid only among minority  
18 business enterprises. The set-aside shall be used to redress  
19 present effects of past discriminatory practices and shall be  
20 subject to periodic reassessment to account for changing needs  
21 and circumstances.

22 (d) Any county, municipality, community college, or  
23 district school board may implement a small business program  
24 that may include, but need not be limited to, setting aside  
25 funds allocated for competitively bid construction projects  
26 for contracts with small businesses.

27 Section 2. Section 287.093, Florida Statutes, is  
28 amended to read:

29 287.093 Minority business enterprises; procurement of  
30 personal property and services from funds set aside for such  
31 purpose.--

