## Florida Senate - 2005

By Senator Hill

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1-605-05
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1	A bill to be entitled
2	An act relating to government contracting;
3	requiring contracts for procurement of services
4	by governmental entities to include provisions
5	requiring those services to be performed by
б	United States citizens or persons lawfully able
7	to work within the United States and to be
8	performed within the United States; providing
9	exceptions; providing a definition; requiring a
10	review of existing contracts and a report by
11	the Chief Financial Officer; providing an
12	effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. State contracts for services; required
17	content
18	(1) Each state contract that is primarily for the
19	performance of services must contain provisions that specify
20	that only persons who are citizens of the United States or are
21	authorized under federal law to work in the United States may
22	be employed in performing all services under the contract, or
23	under a subcontract awarded under that contract, and that
24	those services must be performed within the United States.
25	(2) Subsection (1) does not apply when:
26	(a) The head of an agency within the executive branch
27	certifies, in writing, a finding that a service required by
28	that agency cannot be provided by a contractor or
29	subcontractor within the United States and the Chief Financial
30	Officer approves the certification.
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**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

1	(b) The contracting officer for the Legislature or for
2	any office, board, bureau, or commission within the
3	legislative branch certifies, in writing, a finding that a
4	service required by the Leqislature or by such office, board,
5	bureau, or commission cannot be provided by a contractor or
6	subcontractor within the United States and the President of
7	the Senate and the Speaker of the House of Representatives
8	approve the certification.
9	(c) The contracting officer of any independent state
10	governmental entity certifies, in writing, a finding that a
11	service required by that entity cannot be provided by a
12	contractor or subcontractor within the United States and the
13	chief executive officer of the entity approves the
14	certification.
15	(d) An agency head described in paragraph (a) or a
16	contracting officer described in paragraph (b) or paragraph
17	(c) certifies, in writing, a finding that inclusion of the
18	provision required in subsection (1) would violate the terms,
19	conditions, or limitations of any grant, funding, or financial
20	assistance from the Federal Government or an agency thereof
21	and the Chief Financial Officer, President of the Senate and
22	<u>Speaker of the House of Representatives, or chief executive</u>
23	officer approves the certification.
24	(3) As used in this section, the term "state contract"
25	includes each contract entered into by the Governor; an agency
26	within the executive branch; the Legislature or an office,
27	board, bureau, or commission within the legislative branch; or
28	an independent state governmental entity authorized to enter
29	into contracts that include the performance of services. A
30	county, municipality, or school district is not an independent
31	state entity for purposes of this section.

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1	(4) The Chief Financial Officer shall review all state
2	contracts that are primarily for the performance of services
3	and that are in effect on July 1, 2005, and determine whether
4	any of the services performed by the contractor or a
5	subcontractor are being performed outside the United States.
б	The Chief Financial Officer shall report the findings of such
7	review to the Governor, the President of the Senate, the
8	Minority Leader of the Senate, the Speaker of the House of
9	Representatives, and the Minority Leader of the House of
10	Representatives by January 1, 2006. This report is a public
11	record.
12	Section 2. This act shall take effect July 1, 2005.
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15	SENATE SUMMARY
16	Requires certain government contracts for the procurement of services to contain provisions requiring that the
17	services be performed in this country by United States citizens or by persons lawfully entitled to be employed
18	in the United States. This does not apply when there is a finding that the services cannot be provided by a
19	contractor or subcontractor within the United States.
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