

By Senator Fasano

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1 A bill to be entitled

2 An act relating to the procurement of flags by the state
3 and its political subdivisions; creating the "Flag
4 Procurement Act"; defining the terms "flag" and "procure";
5 requiring the state and every political subdivision of the
6 state to procure flags that are manufactured in the United
7 States; requiring each contract to procure a flag to
8 contain a provision that requires the flag to be
9 manufactured in the United States; providing that the
10 state or political subdivision may take appropriate legal
11 action to recover the purchase price of the flag from the
12 supplier of a flag that does not comply with the act;
13 providing applicability; providing an effective date.

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

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17 Section 1. Procurement of the flag of the United States or
18 Florida.--

19 (1) SHORT TITLE.--This act may be cited as the "Flag
20 Procurement Act."

21 (2) DEFINITIONS.--As used in this section, the term:

22 (a) "Flag" means the flag of the United States or the State
23 of Florida made of fabric, cloth, or paper and designed to be
24 displayed from a staff or flagpole or in a window. The term does
25 not include a depiction or emblem of the United States or Florida
26 flag made of lights, paint, roofing, siding, paving materials,
27 flora, or balloons or any other similar building, landscaping, or
28 decorative component and does not apply to a miniature flag or a

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29 flag manufactured, sold, or offered for sale as a souvenir,
30 novelty, decoration, or toy.

31 (b) "Procure" means to acquire by purchase, lease, or rent.
32 The term does not include a rental or lease if the term of the
33 rental or lease is less than 1 month.

34 (3) CONTRACT PROVISIONS.--

35 (a) The state or a political subdivision of the state may
36 not procure a flag that is manufactured outside the United
37 States.

38 (b) A flag is manufactured in the United States if a
39 substantial majority of the principal components are
40 manufactured and assembled into the final product in an
41 assembly plant in the United States.

42 (c) All contract documents prepared to procure a flag
43 must contain a provision that states that any flag procured by
44 the state or a political subdivision of the state must be
45 manufactured in the United States.

46 (4) PAYMENTS UNDER CONTRACT; ACTIONS FOR RECOVERY OF
47 UNAUTHORIZED PAYMENTS.--

48 (a) The state or a political subdivision may not
49 authorize, provide for, or make a payment to the supplier of a
50 flag under a contract containing the provisions required by
51 subsection (3) unless the state or political subdivision is
52 satisfied that the flag has been manufactured in the United
53 States.

54 (b) A payment made by the state or political subdivision
55 to a supplier of a flag which does not comply with this
56 section may be recovered from the supplier by appropriate
57 legal action.

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58 (5) APPLICATION.--This section applies to the purchase of
59 a flag and to contracts to procure a flag entered into on or
60 after the July 1, 2008.

61 Section 2. This act shall take effect July 1, 2008.