

1 A bill to be entitled
 2 An act relating to preference to Florida businesses in
 3 procurement of personal property and services; designating
 4 the title of the act as the "Buy Florida Act"; amending s.
 5 287.084, F.S.; requiring, rather than authorizing, an
 6 agency, county, municipality, school district, or other
 7 political subdivision of the state that is required to
 8 make purchases of personal property through competitive
 9 solicitation to award a preference to the lowest
 10 responsible and responsive vendor having a principal place
 11 of business within this state under specified
 12 circumstances; specifying the percentages of preference to
 13 be granted; providing nonapplicability; amending s.
 14 283.35, F.S.; requiring an agency, county, municipality,
 15 school district, or other political subdivision of the
 16 state to grant a specified preference to a vendor located
 17 within the state when awarding a contract for printing
 18 under certain circumstances; specifying the percentages of
 19 preference to be granted; providing nonapplicability;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. This act may be cited as the "Buy Florida Act."

25 Section 2. Section 287.084, Florida Statutes, is amended
 26 to read:

27 287.084 Preference to Florida businesses.—

28 (1) (a) When an agency, county, municipality, school

HB 1161

2010

29 district, or other political subdivision of the state is
30 required to make purchases of personal property through
31 competitive solicitation and the lowest responsible and
32 responsive bid, proposal, or reply is by a vendor whose
33 principal place of business is in a state or political
34 subdivision thereof which grants a preference for the purchase
35 of such personal property to a person whose principal place of
36 business is in such state, then the agency, county,
37 municipality, school district, or other political subdivision of
38 this state shall ~~may~~ award a preference to the lowest
39 responsible and responsive vendor having a principal place of
40 business within this state, which preference is equal to the
41 preference granted by the state or political subdivision thereof
42 in which the lowest responsible and responsive vendor has its
43 principal place of business. In a competitive solicitation in
44 which the lowest bid is submitted by a vendor whose principal
45 place of business is located outside the state and that state
46 does not grant a preference in competitive solicitation to
47 vendors having a principal place of business in that state, the
48 preference to the lowest responsible and responsive vendor
49 having a principal place of business within this state shall be
50 5 percent.

51 (b) Paragraph (a) However, this section does not apply to:

52 1. Transportation projects for which federal aid funds are
53 available.

54 2. Bids submitted by the corporation defined in part II of
55 chapter 946, known as the Prison Rehabilitative Industries and
56 Diversified Enterprises, Inc., or PRIDE Enterprises.

57 (2) ~~If a solicitation provides for the granting of such~~
 58 ~~preference as is provided in this section,~~ Any vendor whose
 59 principal place of business is outside the State of Florida must
 60 accompany any written bid, proposal, or reply documents with a
 61 written opinion of an attorney at law licensed to practice law
 62 in that foreign state, as to the preferences, if any or none,
 63 granted by the law of that state to its own business entities
 64 whose principal places of business are in that foreign state in
 65 the letting of any or all public contracts.

66 Section 3. Section 283.35, Florida Statutes, is amended to
 67 read:

68 283.35 Preference given printing within the state. ~~Every~~
 69 ~~agency shall give preference to vendors located within the state~~

70 (1) When awarding a contract ~~contracts~~ to have materials
 71 printed, the agency, county, municipality, school district, or
 72 other political subdivision of this state awarding the contract
 73 shall grant a preference to the lowest responsible and
 74 responsive vendor having a principal place of business within
 75 this state, which preference is:

76 (a) Equal to the preference granted by the state or
 77 political subdivision thereof in which the lowest responsible
 78 and responsive vendor has its principal place of business; or

79 (b) If the lowest bid is submitted by a vendor whose
 80 principal place of business is located outside the state and
 81 that state does not grant a preference in competitive
 82 solicitation to vendors having a principal place of business in
 83 that state, the preference to the lowest responsible and
 84 responsive vendor having a principal place of business within

HB 1161

2010

85 this state shall be 5 percent,

86

87 if the ~~whenever such~~ printing can be performed in this state
88 ~~done at no greater expense than the expense of awarding a~~
89 ~~contract to a vendor located outside the state and can be done~~
90 at a level of quality comparable to that obtainable from the a
91 vendor submitting the lowest bid located outside the state.

92 (2) Subsection (1) does not apply to a contract for
93 printing awarded to the corporation defined in part II of
94 chapter 946, known as the Prison Rehabilitative Industries and
95 Diversified Enterprises, Inc., or PRIDE Enterprises.

96 (3) Any vendor whose principal place of business is
97 outside the State of Florida must accompany any written bid,
98 proposal, or reply documents with a written opinion of an
99 attorney at law licensed to practice law in that foreign state,
100 as to the preferences, if any or none, granted by the law of
101 that state to its own business entities whose principal places
102 of business are in that foreign state in the letting of any or
103 all public contracts.

104 Section 4. This act shall take effect July 1, 2010.