

By Senator Bogdanoff

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

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

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

26 Section 2. Section 283.35, Florida Statutes, is amended to
27 read:

28 283.35 Preference given printing within the state. ~~Every~~
29 ~~agency shall give preference to vendors located within the state~~

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30 (1) When awarding a contract ~~contracts~~ to have materials
31 printed, the agency, county, municipality, school district, or
32 other political subdivision of this state awarding the contract
33 shall grant a preference to the lowest responsible and
34 responsive vendor having a principal place of business within
35 this state. The preference shall be:

36 (a) Equal to the preference granted by the state or
37 political subdivision in which the lowest responsible and
38 responsive vendor has its principal place of business; or

39 (b) Five percent if the lowest bid is submitted by a vendor
40 whose principal place of business is located outside the state
41 and that state does not grant a preference in competitive
42 solicitation to vendors having a principal place of business in
43 that state,

44
45 and if the ~~whenever such~~ printing can be performed in this state
46 ~~done at no greater expense than the expense of awarding a~~
47 ~~contract to a vendor located outside the state and can be done~~
48 ~~at a level of quality comparable to that obtainable from the a~~
49 ~~vendor~~ submitting the lowest bid located outside the state.

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

54 (3) Any vendor whose principal place of business is in
55 another state must accompany any written bid, proposal, or reply
56 documents with a written opinion of an attorney licensed in that
57 state, regarding any preferences granted by that state to its
58 own business entities whose principal places of business are in

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59 that state in the letting of public contracts.

60 Section 3. Section 287.084, Florida Statutes, is amended
61 to read:

62 287.084 Preference to Florida businesses.—

63 (1) (a) When an agency, county, municipality, school
64 district, or other political subdivision of the state is
65 required to make purchases of personal property through
66 competitive solicitation and the lowest responsible and
67 responsive bid, proposal, or reply is by a vendor whose
68 principal place of business is in a state or political
69 subdivision thereof which grants a preference for the purchase
70 of such personal property to a person whose principal place of
71 business is in such state, then the agency, county,
72 municipality, school district, or other political subdivision of
73 this state shall ~~may~~ award a preference to the lowest
74 responsible and responsive vendor having a principal place of
75 business within this state, which preference is equal to the
76 preference granted by the state or political subdivision thereof
77 in which the lowest responsible and responsive vendor has its
78 principal place of business. In a competitive solicitation in
79 which the lowest bid is submitted by a vendor whose principal
80 place of business is located outside the state and that state
81 does not grant a preference in competitive solicitation to
82 vendors having a principal place of business in that state, the
83 preference to the lowest responsible and responsive vendor
84 having a principal place of business in this state shall be 5
85 percent.

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

87 1. Transportation projects for which federal aid funds are

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88 available.

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

92 ~~(2) If a solicitation provides for the granting of such~~
93 ~~preference as is provided in this section,~~ Any vendor whose
94 principal place of business is outside the State of Florida must
95 accompany any written bid, proposal, or reply documents with a
96 written opinion of an attorney at law licensed to practice law
97 in that foreign state, as to the preferences, if any or none,
98 granted by the law of that state to its own business entities
99 whose principal places of business are in that foreign state in
100 the letting of any or all public contracts.

101 Section 4. This act shall take effect July 1, 2011.