

By the Committees on Community Affairs; and Governmental Oversight and Accountability; and Senators Bogdanoff, Fasano, and Gaetz

578-04243A-11

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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 percentage
10 of preference to be granted; amending s. 287.084,
11 F.S.; requiring, rather than authorizing, an agency,
12 county, municipality, school district, or other
13 political subdivision of the state in making purchases
14 of personal property through competitive solicitation
15 to award a preference to a responsible and responsive
16 vendor having a principal place of business within
17 this state under specified circumstances; specifying
18 the percentage of preference to be granted; deleting a
19 provision to conform to changes made by the act;
20 expressing legislative intent; requiring state
21 agencies to develop and adopt assessment protocols to
22 evaluate and determine whether equipment, machinery,
23 or other inventory can be repaired or restored prior
24 to a request to purchase replacement machinery,
25 equipment, or inventory under certain circumstances;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. This act may be cited as the "Buy Florida Act."

31 Section 2. Section 283.35, Florida Statutes, is amended to
32 read:

33 283.35 Preference given printing within the state.—Every
34 agency, county, municipality, school district, or other
35 political subdivision of this state shall give preference to the
36 responsible and responsive vendor whose principal place of
37 business is in this state ~~vendors located within the state~~ when
38 awarding contracts to have materials printed, ~~whenever such~~
39 ~~printing can be done at no greater expense than the expense of~~
40 ~~awarding a contract to a vendor located outside the state and~~
41 ~~can be done at a level of quality comparable to that obtainable~~
42 ~~from a vendor located outside the state.~~ The preference shall be
43 5 percent.

44 Section 3. Section 287.084, Florida Statutes, is amended to
45 read:

46 287.084 Preference to Florida businesses.—

47 ~~(1)~~ When an agency, county, municipality, school district,
48 or other political subdivision of the state is required to make
49 purchases of personal property through competitive solicitation
50 and the responsive lowest-priced bid or responsive highest-
51 ranked ~~lowest responsible and responsive bid,~~ proposal, or reply
52 is by a responsible vendor whose principal place of business is
53 in a state other than this state ~~or political subdivision~~
54 ~~thereof which grants a preference for the purchase of such~~
55 ~~personal property to a person whose principal place of business~~
56 ~~is in such state, then~~ the agency, county, municipality, school
57 district, or other political subdivision of this state shall ~~may~~
58 award a preference to the ~~lowest~~ responsible and responsive

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59 vendor having a principal place of business within this state,
60 ~~which preference is equal to the preference granted by the state~~
61 ~~or political subdivision thereof in which the lowest responsible~~
62 ~~and responsive vendor has its principal place of business. The~~
63 preference given shall be 5 percent. However, this section does
64 not apply to transportation projects for which federal aid funds
65 are available.

66 ~~(2) If a solicitation provides for the granting of such~~
67 ~~preference as is provided in this section, Any vendor whose~~
68 ~~principal place of business is outside the State of Florida must~~
69 ~~accompany any written bid, proposal, or reply documents with a~~
70 ~~written opinion of an attorney at law licensed to practice law~~
71 ~~in that foreign state, as to the preferences, if any or none,~~
72 ~~granted by the law of that state to its own business entities~~
73 ~~whose principal places of business are in that foreign state in~~
74 ~~the letting of any or all public contracts.~~

75 Section 4. It is the intent of the Florida Legislature that
76 purchases of new equipment, machinery or inventory by state
77 agencies that result from fire; smoke; water or any other
78 disaster incident, be limited to those purchases that are
79 absolutely necessary and are deemed to be in an un-repairable
80 condition.

81 By January 1, 2012, all state agencies shall develop and
82 adopt assessment protocols which facilitate an agency's best
83 efforts to evaluate and make a determination whether equipment,
84 machinery or any other inventory could be repaired or restored
85 prior to any request to purchase replacement equipment,
86 machinery or any other inventory is approved.

87 Section 5. This act shall take effect July 1, 2011.