

1                                   A bill to be entitled  
 2           An act relating to preference in award of state contracts;  
 3           amending s. 287.084, F.S.; expanding provisions that  
 4           authorize an agency, county, municipality, school  
 5           district, or other political subdivision of the state to  
 6           provide preferential consideration to a Florida business  
 7           in awarding competitively bid contracts to purchase  
 8           personal property to include the purchase of construction  
 9           services; providing that for specified competitive  
 10          solicitations the authority to grant preference supersedes  
 11          any local ordinance or regulation which grants preference  
 12          to specified vendors; requiring a county, municipality,  
 13          school district, or other political subdivision to make  
 14          specified disclosures in competitive solicitation  
 15          documents; providing construction; providing an effective  
 16          date.

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

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 20           Section 1. Subsection (1) of section 287.084, Florida  
 21   Statutes, is amended to read:

22           287.084 Preference to Florida businesses.—

23           (1) (a) When an agency, county, municipality, school  
 24   district, or other political subdivision of the state is  
 25   required to make purchases of personal property or construction  
 26   services through competitive solicitation and the lowest  
 27   responsible and responsive bid, proposal, or reply is by a  
 28   vendor whose principal place of business is in a state or

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29 | political subdivision thereof which grants a preference for the  
30 | purchase of such personal property or construction services to a  
31 | person whose principal place of business is in such state, then  
32 | the agency, county, municipality, school district, or other  
33 | political subdivision of this state may award a preference to  
34 | the lowest responsible and responsive vendor having a principal  
35 | place of business within this state, which preference is equal  
36 | to the preference granted by the state or political subdivision  
37 | thereof in which the lowest responsible and responsive vendor  
38 | has its principal place of business. However, this section does  
39 | not apply to transportation projects for which federal aid funds  
40 | are available.

41 | (b)1. For a competitive solicitation in which payment for  
42 | the personal property or construction services is to be made in  
43 | whole or in part from funds appropriated by the state, this  
44 | section preempts and supersedes any local ordinance or  
45 | regulation that grants preference to a vendor based upon:

46 | a. The vendor maintaining an office or place of business  
47 | within a particular local jurisdiction;

48 | b. The vendor hiring employees or subcontractors from  
49 | within a particular local jurisdiction; or

50 | c. The vendor's prior payment of local taxes, assessments,  
51 | or duties within a particular local jurisdiction.

52 | 2. In any competitive solicitation subject to this  
53 | section, a county, municipality, school district, or other  
54 | political subdivision shall disclose in the solicitation  
55 | document whether payment will come from funds appropriated by  
56 | the state and, if known, the amount of such funds or the

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57 percentage of such funds as compared to the anticipated total  
58 cost of the personal property or construction services.

59 3. Except as provided in subparagraph 1., this section  
60 does not prevent a county, municipality, school district, or  
61 other political subdivision of this state from awarding a  
62 contract to any vendor in accordance with applicable state laws  
63 or local ordinances or regulations.

64 Section 2. This act shall take effect July 1, 2011.