

By Senator Simmons

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

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

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

23 287.084 Preference to Florida businesses.—

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

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

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

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

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

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

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

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59 property or construction services.

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

65 Section 2. This act shall take effect July 1, 2012.