

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Brodeur offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 255.0991, Florida Statutes, is created
 8 to read:

9 255.0991 Preference to Florida businesses.-

10 (1) (a) When an agency, county, municipality, school
 11 district, or other political subdivision of the state is
 12 required to make purchases of construction services through
 13 competitive solicitation and the lowest responsible and
 14 responsive bid, proposal, or reply is by a vendor whose
 15 principal place of business is in a state or political
 16 subdivision thereof which grants a preference for the purchase
 17 of such construction services to a person whose principal place
 18 of business is in such state, then the agency, county,
 19 municipality, school district, or other political subdivision of

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20 this state may award a preference to the lowest responsible and
21 responsive vendor having a principal place of business within
22 this state, which preference is equal to the preference granted
23 by the state or political subdivision thereof in which the
24 lowest responsible and responsive vendor has its principal place
25 of business. However, this section does not apply to
26 transportation projects for which federal aid funds are
27 available.

28 (b)1. For a competitive solicitation in which payment for
29 the construction services is to be made in whole or in part from
30 funds appropriated by the state, this section preempts and
31 supersedes any local ordinance or regulation that grants
32 preference to a vendor based upon:

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

35 b. The vendor hiring employees or subcontractors from
36 within a particular local jurisdiction; or

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

39 2. In any competitive solicitation subject to this
40 section, a county, municipality, school district, or other
41 political subdivision shall disclose in the solicitation
42 document whether payment will come from funds appropriated by
43 the state and, if known, the amount of such funds or the
44 percentage of such funds as compared to the anticipated total
45 cost of the construction services.

46 3. Except as provided in subparagraph 1., this section
47 does not prevent a county, municipality, school district, or

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48 other political subdivision of this state from awarding a
49 contract to any vendor in accordance with applicable state laws
50 or local ordinances or regulations.

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

60 Section 2. Subsection (1) of section 287.084, Florida
61 Statutes, is amended 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 may award a preference to the lowest responsible and
74 responsive vendor having a principal place of business within
75 this state, which preference is equal to the preference granted

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76 by the state or political subdivision thereof in which the
77 lowest responsible and responsive vendor has its principal place
78 of business. However, this section does not apply to
79 transportation projects for which federal aid funds are
80 available.

81 (b)1. For a competitive solicitation in which payment for
82 the personal property is to be made in whole or in part from
83 funds appropriated by the state, this section preempts and
84 supersedes any local ordinance or regulation that grants
85 preference to a vendor based upon:

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

88 b. The vendor hiring employees or subcontractors from
89 within a particular local jurisdiction; or

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

92 2. In any competitive solicitation subject to this
93 section, a county, municipality, school district, or other
94 political subdivision shall disclose in the solicitation
95 document whether payment will come from funds appropriated by
96 the state and, if known, the amount of such funds or the
97 percentage of such funds as compared to the anticipated total
98 cost of the personal property.

99 3. Except as provided in subparagraph 1., this section
100 does not prevent a county, municipality, school district, or
101 other political subdivision of this state from awarding a
102 contract to any vendor in accordance with applicable state laws
103 or local ordinances or regulations.

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104 Section 3. This act shall take effect July 1, 2012.
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108 **T I T L E A M E N D M E N T**

109 Remove the entire title and insert:

110 A bill to be entitled

111 An act relating to preference in award of governmental entity
112 contracts; creating s. 255.0991, F.S.; authorizing an agency,
113 county, municipality, school district, or other political
114 subdivision of the state to provide preferential consideration
115 to a Florida business in awarding competitively bid contracts to
116 purchase construction services; providing that for specified
117 competitive solicitations the authority to grant preference
118 supersedes any local ordinance or regulation which grants
119 preference to specified vendors; requiring a county,
120 municipality, school district, or other political subdivision to
121 make specified disclosures in competitive solicitation
122 documents; amending s. 287.084, F.S.; providing that for
123 specified competitive solicitations the authority to grant
124 preference supersedes any local ordinance or regulation which
125 grants preference to specified vendors; requiring a county,
126 municipality, school district, or other political subdivision to
127 make specified disclosures in competitive solicitation
128 documents; providing an effective date.