

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Brodeur offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 32-126 and insert:

7 (1) (a) With respect to a construction project in which 10
8 percent or more of the project is funded using state capital
9 outlay funds, when an agency, county, municipality, school
10 district, or other political subdivision of the state is
11 required to make purchases of construction services through
12 competitive solicitation for such project and the lowest
13 responsible and responsive bid, proposal, or reply is by a
14 vendor whose principal place of business is in a state or
15 political subdivision thereof which grants a preference for the
16 purchase of such construction services to a person whose
17 principal place of business is in such state, then the agency,
18 county, municipality, school district, or other political
19 subdivision of this state may award a preference to the lowest

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

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

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

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

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

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

45 3. Except as provided in subparagraph 1., this section
46 does not prevent a county, municipality, school district, or
47 other political subdivision of this state from awarding a

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48 contract to any vendor in accordance with applicable state laws
49 or local ordinances or regulations.

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

59 Section 2. This act shall take effect July 1, 2012.
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64 **T I T L E A M E N D M E N T**

65 Remove lines 7-25 and insert:

66 business in awarding specified competitively bid contracts
67 to purchase construction services; providing that for
68 specified competitive solicitations the authority to grant
69 preference supersedes any local ordinance or regulation
70 which grants preference to specified vendors; requiring a
71 county, municipality, school district, or other political
72 subdivision of the state to make specified disclosures in
73 competitive solicitation documents; providing an effective
74 date.