

1 A bill to be entitled
 2 An act relating to preference in award of governmental
 3 entity contracts; creating s. 255.0991, F.S.;
 4 authorizing an agency, county, municipality, school
 5 district, or other political subdivision of the state
 6 to provide preferential consideration to a Florida
 7 business in awarding competitively bid contracts to
 8 purchase construction services; providing that for
 9 specified competitive solicitations the authority to
 10 grant preference supersedes any local ordinance or
 11 regulation which grants preference to specified
 12 vendors; requiring a county, municipality, school
 13 district, or other political subdivision of the state
 14 to make specified disclosures in competitive
 15 solicitation documents; amending s. 287.084, F.S.,
 16 relating to preference to Florida businesses in
 17 awarding competitively bid contracts to purchase
 18 personal property; providing that for specified
 19 competitive solicitations the authority to grant
 20 preference supersedes any local ordinance or
 21 regulation which grants preference to specified
 22 vendors; requiring a county, municipality, school
 23 district, or other political subdivision of the state
 24 to make specified disclosures in competitive
 25 solicitation documents; providing an effective date.

26
 27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 255.0991, Florida Statutes, is created
30 to read:

31 255.0991 Preference to Florida businesses.—

32 (1) (a) When an agency, county, municipality, school
33 district, or other political subdivision of the state is
34 required to make purchases of construction services through
35 competitive solicitation and the lowest responsible and
36 responsive bid, proposal, or reply is by a vendor whose
37 principal place of business is in a state or political
38 subdivision thereof which grants a preference for the purchase
39 of such construction services to a person whose principal place
40 of business is in such state, then the agency, county,
41 municipality, school district, or other political subdivision of
42 this state may award a preference to the lowest responsible and
43 responsive vendor having a principal place of business within
44 this state, which preference is equal to the preference granted
45 by the state or political subdivision thereof in which the
46 lowest responsible and responsive vendor has its principal place
47 of business. However, this section does not apply to
48 transportation projects for which federal aid funds are
49 available.

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

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

57 b. The vendor hiring employees or subcontractors from
 58 within a particular local jurisdiction; or

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

61 2. In any competitive solicitation subject to this
 62 section, a county, municipality, school district, or other
 63 political subdivision shall disclose in the solicitation
 64 document whether payment will come from funds appropriated by
 65 the state and, if known, the amount of such funds or the
 66 percentage of such funds as compared to the anticipated total
 67 cost of the construction services.

68 3. Except as provided in subparagraph 1., this section
 69 does not prevent a county, municipality, school district, or
 70 other political subdivision of this state from awarding a
 71 contract to any vendor in accordance with applicable state laws
 72 or local ordinances or regulations.

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

82 Section 2. Subsection (1) of section 287.084, Florida
 83 Statutes, is amended to read:

84 287.084 Preference to Florida businesses.-

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85 (1) (a) When an agency, county, municipality, school
86 district, or other political subdivision of the state is
87 required to make purchases of personal property through
88 competitive solicitation and the lowest responsible and
89 responsive bid, proposal, or reply is by a vendor whose
90 principal place of business is in a state or political
91 subdivision thereof which grants a preference for the purchase
92 of such personal property to a person whose principal place of
93 business is in such state, then the agency, county,
94 municipality, school district, or other political subdivision of
95 this state may award a preference to the lowest responsible and
96 responsive vendor having a principal place of business within
97 this state, which preference is equal to the preference granted
98 by the state or political subdivision thereof in which the
99 lowest responsible and responsive vendor has its principal place
100 of business. However, this section does not apply to
101 transportation projects for which federal aid funds are
102 available.

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

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

110 b. The vendor hiring employees or subcontractors from
111 within a particular local jurisdiction; or

112 c. The vendor's prior payment of local taxes, assessments,

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113 or duties within a particular local jurisdiction.

114 2. In any competitive solicitation subject to this
115 section, a county, municipality, school district, or other
116 political subdivision shall disclose in the solicitation
117 document whether payment will come from funds appropriated by
118 the state and, if known, the amount of such funds or the
119 percentage of such funds as compared to the anticipated total
120 cost of the personal property.

121 3. Except as provided in subparagraph 1., this section
122 does not prevent a county, municipality, school district, or
123 other political subdivision of this state from awarding a
124 contract to any vendor in accordance with applicable state laws
125 or local ordinances or regulations.

126 Section 3. This act shall take effect July 1, 2012.