

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 specified competitively bid
 8 contracts to purchase construction services; providing
 9 that for specified competitive solicitations the
 10 authority to grant preference supersedes any local
 11 ordinance or regulation which grants preference to
 12 specified vendors; requiring a county, municipality,
 13 school district, or other political subdivision of the
 14 state to make specified disclosures in competitive
 15 solicitation documents; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 255.0991, Florida Statutes, is created
 20 to read:

21 255.0991 Preference to Florida businesses.—
 22 (1)(a) With respect to a construction project in which 10
 23 percent or more of the project is funded using state capital
 24 outlay funds, when an agency, county, municipality, school
 25 district, or other political subdivision of the state is
 26 required to make purchases of construction services through
 27 competitive solicitation for such project 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
30 political subdivision thereof which grants a preference for the
31 purchase of such construction services to a person whose
32 principal place of business is in such state, then the agency,
33 county, municipality, school district, or other political
34 subdivision of this state may award a preference to the lowest
35 responsible and responsive vendor having a principal place of
36 business within this state, which preference is equal to the
37 preference granted by the state or political subdivision thereof
38 in which the lowest responsible and responsive vendor has its
39 principal place of business. However, this section does not
40 apply to transportation projects for which federal aid funds are
41 available.

42 (b)1. For a competitive solicitation in which payment for
43 the construction services is to be made in whole or in part from
44 funds appropriated by the state, this section preempts and
45 supersedes any local ordinance or regulation that grants
46 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
54 section, a county, municipality, school district, or other
55 political subdivision shall disclose in the solicitation
56 document whether payment will come from funds appropriated by

CS/CS/HB 673

2012

57 the state and, if known, the amount of such funds or the
58 percentage of such funds as compared to the anticipated total
59 cost of the construction services.

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

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

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