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LEGISLATIVE ACTION

Senate

House

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Floor: 1c/RE/2R

03/09/2012 01:48 PM

Senator Bogdanoff moved the following:

1 **Senate Amendment to Amendment (401580) (with title**
2 **amendment)**

3
4 Between lines 732 and 733

5 insert:

6 Section 12. Section 283.35, Florida Statutes, is amended to
7 read:

8 283.35 Preference given printing within the state. ~~Every~~
9 ~~agency shall give preference to vendors located within the state~~
10 When awarding a contract ~~contracts~~ to have materials printed,
11 the agency, university, college, school district, or other
12 political subdivision of this state awarding the contract shall
13 grant a preference to the lowest responsible and responsive



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14 vendor having a principal place of business within this state.
15 The preference shall be 5 percent if the lowest bid is submitted
16 by a vendor whose principal place of business is located outside
17 the state and if the ~~whenever such~~ printing can be performed in
18 this state ~~done at no greater expense than the expense of~~
19 ~~awarding a contract to a vendor located outside the state and~~
20 ~~can be done~~ at a level of quality comparable to that obtainable
21 from ~~the~~ a vendor submitting the lowest bid located outside the
22 state. As used in this section, the term "other political
23 subdivision of this state" does not include counties or
24 municipalities.

25 Section 13. Paragraph (f) of subsection (3) of section
26 287.057, Florida Statutes, is amended to read:

27 287.057 Procurement of commodities or contractual
28 services.—

29 (3) When the purchase price of commodities or contractual
30 services exceeds the threshold amount provided in s. 287.017 for
31 CATEGORY TWO, no purchase of commodities or contractual services
32 may be made without receiving competitive sealed bids,
33 competitive sealed proposals, or competitive sealed replies
34 unless:

35 (f) The following contractual services and commodities are
36 not subject to the competitive-solicitation requirements of this
37 section:

38 1. Artistic services. For the purposes of this subsection,
39 the term "artistic services" does not include advertising or
40 typesetting. As used in this subparagraph, the term
41 "advertising" means the making of a representation in any form
42 in connection with a trade, business, craft, or profession in



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43 order to promote the supply of commodities or services by the
44 person promoting the commodities or contractual services.

45 2. Academic program reviews if the fee for such services
46 does not exceed \$50,000.

47 3. Lectures by individuals.

48 4. Legal services, including attorney, paralegal, expert
49 witness, appraisal, or mediator services.

50 5.a. Health services involving examination, diagnosis,
51 treatment, prevention, medical consultation, or administration.

52 b. Beginning January 1, 2011, health services, including,
53 but not limited to, substance abuse and mental health services,
54 involving examination, diagnosis, treatment, prevention, or
55 medical consultation, when such services are offered to eligible
56 individuals participating in a specific program that qualifies
57 multiple providers and uses a standard payment methodology.
58 Reimbursement of administrative costs for providers of services
59 purchased in this manner shall also be exempt. For purposes of
60 this sub-subparagraph, "providers" means health professionals,
61 health facilities, or organizations that deliver or arrange for
62 the delivery of health services.

63 6. Services provided to persons with mental or physical
64 disabilities by not-for-profit corporations which have obtained
65 exemptions under the provisions of s. 501(c)(3) of the United
66 States Internal Revenue Code or when such services are governed
67 by the provisions of Office of Management and Budget Circular A-
68 122. However, in acquiring such services, the agency shall
69 consider the ability of the vendor, past performance,
70 willingness to meet time requirements, and price.

71 7. Medicaid services delivered to an eligible Medicaid



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72 recipient unless the agency is directed otherwise in law.

73 8. Family placement services.

74 9. Prevention services related to mental health, including
75 drug abuse prevention programs, child abuse prevention programs,
76 and shelters for runaways, operated by not-for-profit
77 corporations. However, in acquiring such services, the agency
78 shall consider the ability of the vendor, past performance,
79 willingness to meet time requirements, and price.

80 10. Training and education services provided to injured
81 employees pursuant to s. 440.491(6).

82 11. Contracts entered into pursuant to s. 337.11.

83 12. Services or commodities provided by governmental
84 agencies.

85 13. Statewide public service announcement programs provided
86 by a Florida statewide nonprofit corporation under s. 501(c)(6)
87 of the Internal Revenue Code, with a guaranteed documented match
88 of at least \$3 to \$1.

89 Section 14. Section 287.084, Florida Statutes, is amended
90 to read:

91 287.084 Preference to Florida businesses.—

92 (1) (a) When an agency, university, college, county,
93 municipality, school district, or other political subdivision of
94 the state is required to make purchases of personal property
95 through competitive solicitation and the lowest responsible and
96 responsive bid, proposal, or reply is by a vendor whose
97 principal place of business is in a state or political
98 subdivision thereof which grants a preference for the purchase
99 of such personal property to a person whose principal place of
100 business is in such state, then the agency, university, college



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101 ~~county, municipality,~~ school district, or other political
102 subdivision of this state shall ~~may~~ award a preference to the
103 lowest responsible and responsive vendor having a principal
104 place of business within this state, which preference is equal
105 to the preference granted by the state or political subdivision
106 thereof in which the lowest responsible and responsive vendor
107 has its principal place of business. In a competitive
108 solicitation in which the lowest bid is submitted by a vendor
109 whose principal place of business is located outside the state
110 and that state does not grant a preference in competitive
111 solicitation to vendors having a principal place of business in
112 that state, the preference to the lowest responsible and
113 responsive vendor having a principal place of business in this
114 state shall be 5 percent.

115 (b) Paragraph (a) ~~However, this section~~ does not apply to
116 transportation projects for which federal aid funds are
117 available.

118 (c) As used in this section, the term "other political
119 subdivision of this state" does not include counties or
120 municipalities.

121 ~~(2) If a solicitation provides for the granting of such~~
122 ~~preference as is provided in this section,~~ A Any vendor whose
123 principal place of business is outside this ~~the~~ state ~~of Florida~~
124 must accompany any written bid, proposal, or reply documents
125 with a written opinion of an attorney at law licensed to
126 practice law in that foreign state, as to the preferences, if
127 any or none, granted by the law of that state to its own
128 business entities whose principal places of business are in that
129 foreign state in the letting of any or all public contracts.



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130 (3) (a) A vendor whose principal place of business is in
131 this state may not be precluded from being an authorized
132 reseller of information technology commodities of a state
133 contractor as long as the vendor demonstrates that it employs an
134 internationally recognized quality management system, such as
135 ISO 9001 or its equivalent, and provides a warranty on the
136 information technology commodities which is, at a minimum, of
137 equal scope and length as that of the contract.

138 (b) This subsection applies to any renewal of any state
139 contract executed on or after July 1, 2012.

141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete line 1253

144 and insert:

145 imposed on banks and savings associations; amending s.
146 283.35, F.S.; requiring an agency, university,
147 college, school district, or other political
148 subdivision of the state to grant a specified
149 preference to a vendor located within the state when
150 awarding a contract for printing; specifying the
151 percentage of preference to be granted; amending s.
152 287.057, F.S.; providing an exception to the
153 requirement for competitive solicitation of
154 contractual services and commodities for public
155 service announcement programs provided by certain
156 nonprofit corporations; amending s. 287.084, F.S.;;
157 requiring, rather than authorizing, an agency,
158 university, college, school district, or other



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159 political subdivision of the state in making purchases
160 of personal property through competitive solicitation
161 to award a preference to the lowest responsible and
162 responsive vendor having a principal place of business
163 within this state under specified circumstances;
164 specifying the percentage of preference to be granted;
165 providing nonapplicability; prohibiting the preclusion
166 of a vendor whose principal place of business is in
167 this state from being an authorized reseller of
168 information technology commodities of state
169 contractors, under certain circumstances; amending s.