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LEGISLATIVE ACTION

Senate	.	House
Comm: 00	.	
03/07/2012	.	
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The Committee on Budget Subcommittee on Finance and Tax (Norman) recommended the following:

Senate Amendment (with title amendment)

Between lines 444 and 445
insert:

Section 8. Section 283.35, Florida Statutes, is amended to read:

283.35 Preference given printing within the state. ~~Every agency shall give preference to vendors located within the state~~
When awarding a contract ~~contracts~~ to have materials printed, the agency, county, municipality, school district, or other political subdivision of this state awarding the contract shall grant a preference to the lowest responsible and responsive



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13 vendor having a principal place of business within this state.
14 The preference shall be 5 percent if the lowest bid is submitted
15 by a vendor whose principal place of business is located outside
16 the state and if the ~~whenever such~~ printing can be performed in
17 this state ~~done at no greater expense than the expense of~~
18 ~~awarding a contract to a vendor located outside the state and~~
19 ~~can be done~~ at a level of quality comparable to that obtainable
20 from ~~the~~ a vendor submitting the lowest bid located outside the
21 state.

22 Section 9. Paragraph (f) of subsection (3) of section
23 287.057, Florida Statutes, is amended to read:

24 287.057 Procurement of commodities or contractual
25 services.-

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

32 (f) The following contractual services and commodities are
33 not subject to the competitive-solicitation requirements of this
34 section:

35 1. Artistic services. For the purposes of this subsection,
36 the term "artistic services" does not include advertising or
37 typesetting. As used in this subparagraph, the term
38 "advertising" means the making of a representation in any form
39 in connection with a trade, business, craft, or profession in
40 order to promote the supply of commodities or services by the
41 person promoting the commodities or contractual services.



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

44 3. Lectures by individuals.

45 4. Legal services, including attorney, paralegal, expert
46 witness, appraisal, or mediator services.

47 5.a. Health services involving examination, diagnosis,
48 treatment, prevention, medical consultation, or administration.

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

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

68 7. Medicaid services delivered to an eligible Medicaid
69 recipient unless the agency is directed otherwise in law.

70 8. Family placement services.



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

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

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

80 12. Services or commodities provided by governmental
81 agencies.

82 13. A statewide public service announcement program
83 provided by a Florida statewide nonprofit corporation under s.
84 501(c)(6) of the Internal Revenue Code, with a guaranteed
85 documented match of at least \$3 to \$1.

86 Section 10. Section 287.084, Florida Statutes, is amended
87 to read:

88 287.084 Preference to Florida businesses.-

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



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

112 (b) Paragraph (a) However, this section does not apply to
113 transportation projects for which federal aid funds are
114 available.

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

124
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete line 32

128 and insert:



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129 certain circumstances; amending s. 283.35, F.S.;

130 requiring an agency, county, municipality, school

131 district, or other political subdivision of the state

132 to grant a specified preference to a vendor located

133 within the state when awarding a contract for

134 printing; specifying the percentage of preference to

135 be granted; amending s. 287.057, F.S.; providing that

136 certain statewide public service announcement programs

137 are not subject to the competitive-solicitation

138 requirements under certain circumstances; amending s.

139 287.084, F.S.; requiring, rather than authorizing, an

140 agency, county, municipality, school district, or

141 other political subdivision of the state in making

142 purchases of personal property through competitive

143 solicitation to award a preference to the lowest

144 responsible and responsive vendor having a principal

145 place of business within this state under specified

146 circumstances; specifying the percentage of preference

147 to be granted; providing nonapplicability; amending s.

148 288.1254, F.S.;