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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2012	.	
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The Committee on Budget (Bogdanoff) recommended the following:

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

3
4 Between lines 1191 and 1192
5 insert:

6 Section 23. This act may be cited as the "Buy Florida Act."

7 Section 24. Section 283.35, Florida Statutes, is amended to
8 read:

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



961606

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

26 Section 25. Paragraph (f) of subsection (3) of section
27 287.057, Florida Statutes, is amended to read:

28 287.057 Procurement of commodities or contractual
29 services.—

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

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

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



961606

43 in connection with a trade, business, craft, or profession in
44 order to promote the supply of commodities or services by the
45 person promoting the commodities or contractual services.

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

48 3. Lectures by individuals.

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

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

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

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



961606

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

74 8. Family placement services.

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

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

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

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

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

90 Section 26. Section 287.084, Florida Statutes, is amended
91 to read:

92 287.084 Preference to Florida businesses.—

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



961606

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

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

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

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



961606

130 foreign state in the letting of any or all public contracts.

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

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

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

143 And the title is amended as follows:

144 Between lines 1310 and 1311

145 insert:

146 providing a short title; amending s. 283.35, F.S.;

147 requiring an agency, university, college, school

148 district, or other political subdivision of the state

149 to grant a specified preference to a vendor located

150 within the state when awarding a contract for

151 printing; specifying the percentage of preference to

152 be granted; amending s. 287.057, F.S.; providing an

153 exception to the requirement for competitive

154 solicitation of contractual services and commodities

155 for public service announcement programs provided by

156 certain nonprofit corporations; amending s. 287.084,

157 F.S.; requiring, rather than authorizing, an agency,

158 university, college, school district, or other



961606

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;