

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Tobia offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 255.0991, Florida Statutes, is created
8 to read:

9 255.0991 Preference to Florida businesses.-

10 (1) (a) When an agency, university, college, school
11 district, or other political subdivision of the state is
12 required to make purchases of construction services through
13 competitive solicitation and the lowest responsible and
14 responsive bid, proposal, or reply is by a vendor whose
15 principal place of business is in a state or political
16 subdivision thereof which grants a preference for the purchase
17 of such construction services to a person whose principal place
18 of business is in such state, then the agency, university,
19 college, school district, or other political subdivision of this
20 state shall award a preference to the lowest responsible and

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21 responsive vendor having a principal place of business within
22 this state, which preference is equal to the preference granted
23 by the state or political subdivision thereof in which the
24 lowest responsible and responsive vendor has its principal place
25 of business. In a competitive solicitation in which the lowest
26 bid is submitted by a vendor whose principal place of business
27 is located outside the state and that state does not grant a
28 preference in competitive solicitation to vendors having a
29 principal place of business in that state, the preference to the
30 lowest responsible and responsive vendor having a principal
31 place of business in this state shall be 5 percent.

32 (b) Paragraph (a) does not apply to transportation
33 projects for which federal aid funds are available.

34 (c)1. For a competitive solicitation in which payment for
35 the construction services is to be made in whole or in part from
36 funds appropriated by the state, this section preempts and
37 supersedes any local ordinance or regulation that restricts a
38 contractor certified under s. 489.105(8) from competing for an
39 award based upon:

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

42 b. The vendor hiring employees or subcontractors from
43 within a particular local jurisdiction; or

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

46 2. In any competitive solicitation subject to this
47 section, a university, college, county, municipality, school
48 district, or other political subdivision shall disclose in the

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49 solicitation document whether payment will come from funds
50 appropriated by the state and, if known, the amount of such
51 funds or the percentage of such funds as compared to the
52 anticipated total cost of the construction services.

53 3. Except as provided in subparagraph 1., this section
54 does not prevent a university, college, county, municipality,
55 school district, or other political subdivision of this state
56 from awarding a contract to any vendor in accordance with
57 applicable state laws or local ordinances or regulations.

58 (2) A vendor whose principal place of business is outside
59 this state must accompany any written bid, proposal, or reply
60 documents with a written opinion of an attorney at law licensed
61 to practice law in that foreign state, as to the preferences, if
62 any or none, granted by the law of that state to its own
63 business entities whose principal places of business are in that
64 foreign state in the letting of any or all public contracts.

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

67 287.084 Preference to Florida businesses.—

68 (1) (a) When an agency, university, college, school
69 district, or other political subdivision of the state is
70 required to make purchases of personal property through
71 competitive solicitation and the lowest responsible and
72 responsive bid, proposal, or reply is by a vendor whose
73 principal place of business is in a state or political
74 subdivision thereof which grants a preference for the purchase
75 of such personal property to a person whose principal place of
76 business is in such state, then the agency, university, college,

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77 school district, or other political subdivision of this state
78 shall award a preference to the lowest responsible and
79 responsive vendor having a principal place of business within
80 this state, which preference is equal to the preference granted
81 by the state or political subdivision thereof in which the
82 lowest responsible and responsive vendor has its principal place
83 of business. In a competitive solicitation in which the lowest
84 bid is submitted by a vendor whose principal place of business
85 is located outside the state and that state does not grant a
86 preference in competitive solicitation to vendors having a
87 principal place of business in that state, the preference to the
88 lowest responsible and responsive vendor having a principal
89 place of business in this state shall be 5 percent.

90 (b) Paragraph (a) does not apply to transportation
91 projects for which federal aid funds are available.

92 (c)1. For a competitive solicitation in which payment for
93 the personal property is to be made in whole or in part from
94 funds appropriated by the state, this section preempts and
95 supersedes any local ordinance or regulation that grants
96 preference to a vendor based upon:

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

99 b. The vendor hiring employees or subcontractors from
100 within a particular local jurisdiction; or

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

103 2. In any competitive solicitation subject to this
104 section, a university, college, county, municipality, school

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105 district, or other political subdivision shall disclose in the
106 solicitation document whether payment will come from funds
107 appropriated by the state and, if known, the amount of such
108 funds or the percentage of such funds as compared to the
109 anticipated total cost of the personal property.

110 3. Except as provided in subparagraph 1., this section
111 does not prevent a university, college, county, municipality,
112 school district, or other political subdivision of this state
113 from awarding a contract to any vendor in accordance with
114 applicable state laws or local ordinances or regulations.

115 ~~(c) As used in this section, the term "other political~~
116 ~~subdivision of this state" does not include counties or~~
117 ~~municipalities.~~

118 Section 3. This act shall take effect July 1, 2013.

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122 **T I T L E A M E N D M E N T**

123 Remove everything before the enacting clause and insert:
124 An act relating to preference in award of governmental
125 entity contracts; creating s. 255.0991, F.S.; authorizing
126 an agency, university, college, school district, or other
127 political subdivision of the state to provide preferential
128 consideration to a Florida business in awarding
129 competitively bid contracts to purchase construction
130 services; providing that for specified competitive
131 solicitations the authority to grant preference supersedes
132 any local ordinance or regulation which grants preference

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133 to specified vendors; requiring an agency, university
134 college, school district, or other political subdivision to
135 make specified disclosures in competitive solicitation
136 documents; requiring legal written opinions to accompany
137 specified bids, proposals, and reply documents; amending s.
138 287.084, F.S.; expanding provisions that require an agency,
139 university, college, school district, or other political
140 subdivision of the state to provide preferential
141 consideration to a Florida business in awarding
142 competitively bid contracts to purchase personal property
143 to require counties and municipalities to provide such
144 preferential consideration; providing that for specified
145 competitive solicitations the authority to grant preference
146 supersedes any local ordinance or regulation which grants
147 preference to specified vendors; requiring a university,
148 college, county, municipality, school district, or other
149 political subdivision to make specified disclosures in
150 competitive solicitation documents; providing an effective
151 date.
152