



898158

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/14/2013	.	
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The Committee on Community Affairs (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 100 - 193  
and insert:

9. To an independent special district if the governing board of the independent special district ~~local government~~ complies with all of the requirements of this subparagraph, conducts a public meeting under s. 286.011 after public notice, and finds by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting



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13 at which the governing board takes final action. The notice must  
14 identify the project, the components and scope of the work, and  
15 the estimated cost of the project using generally accepted cost-  
16 accounting principles that fully account for all costs  
17 associated with performing and completing the work, including  
18 employee compensation and benefits, equipment cost and  
19 maintenance, insurance costs, and materials. The notice must  
20 specify that the purpose for the public meeting is to consider  
21 whether it is in the public's best interest to perform the  
22 project using the independent special district's local  
23 ~~government's~~ own services, employees, and equipment. Upon  
24 publication of the public notice and for 21 days thereafter, the  
25 independent special district local government shall make  
26 available for public inspection, during normal business hours  
27 and at a location specified in the public notice, a detailed  
28 itemization of each component of the estimated cost of the  
29 project and documentation explaining the methodology used to  
30 arrive at the estimated cost. At the public meeting, any  
31 qualified contractor or vendor who could have been awarded the  
32 project had the project been competitively bid shall be provided  
33 with a reasonable opportunity to present evidence to the  
34 governing board regarding the project and the accuracy of the  
35 independent special district's local government's estimated cost  
36 of the project. In deciding whether it is in the public's best  
37 interest for the independent special district local government  
38 to perform a project using its own services, employees, and  
39 equipment, the governing board must consider the estimated cost  
40 of the project and the accuracy of the estimated cost in light  
41 of any other information that may be presented at the public



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42 meeting and whether the project requires an increase in the  
43 number of district government employees or an increase in  
44 capital expenditures for public facilities, equipment, or other  
45 capital assets. The independent special district local  
46 ~~government~~ may further consider the impact on local economic  
47 development, the impact on small and minority business owners,  
48 the impact on state and local tax revenues, whether the private  
49 sector contractors provide health insurance and other benefits  
50 equivalent to those provided by the independent special district  
51 ~~local government~~, and any other factor relevant to what is in  
52 the public's best interest.

53 10. If the governing board of the local government  
54 determines upon consideration of specific substantive criteria  
55 that it is in the best interest of the local government to award  
56 the project to an appropriately licensed private sector  
57 contractor pursuant to administrative procedures established by  
58 and expressly set forth in a charter, ordinance, or resolution  
59 of the local government adopted before July 1, 1994. The  
60 criteria and procedures must be set out in the charter,  
61 ordinance, or resolution and must be applied uniformly by the  
62 local government to avoid awarding a project in an arbitrary or  
63 capricious manner. This exception applies only if all of the  
64 following occur:

65 a. The governing board of the local government, after  
66 public notice, conducts a public meeting under s. 286.011 and  
67 finds by a two-thirds vote of the governing board that it is in  
68 the public's best interest to award the project according to the  
69 criteria and procedures established by charter, ordinance, or  
70 resolution. The public notice must be published at least 14 days



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71 before the date of the public meeting at which the governing  
72 board takes final action. The notice must identify the project,  
73 the estimated cost of the project, and specify that the purpose  
74 for the public meeting is to consider whether it is in the  
75 public's best interest to award the project using the criteria  
76 and procedures permitted by the preexisting charter, ordinance,  
77 or resolution.

78 b. The project is to be awarded by any method other than a  
79 competitive selection process, and the governing board finds  
80 evidence that:

81 (I) There is one appropriately licensed contractor who is  
82 uniquely qualified to undertake the project because that  
83 contractor is currently under contract to perform work that is  
84 affiliated with the project; or

85 (II) The time to competitively award the project will  
86 jeopardize the funding for the project, materially increase the  
87 cost of the project, or create an undue hardship on the public  
88 health, safety, or welfare.

89 c. The project is to be awarded by any method other than a  
90 competitive selection process, and the published notice clearly  
91 specifies the ordinance or resolution by which the private  
92 sector contractor will be selected and the criteria to be  
93 considered.

94 d. The project is to be awarded by a method other than a  
95 competitive selection process, and the architect or engineer of  
96 record has provided a written recommendation that the project be  
97 awarded to the private sector contractor without competitive  
98 selection, and the consideration by, and the justification of,  
99 the government body are documented, in writing, in the project



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100 file and are presented to the governing board prior to the  
101 approval required in this paragraph.

102 11. To projects subject to chapter 36.

103

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

105 And the title is amended as follows:

106 Delete lines 4 - 6

107 and insert:

108 removing an exemption of certain local government  
109 entities from the requirement to competitively award  
110 contracts for public construction; providing an  
111 effective