

By Senator Hays

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1 A bill to be entitled
2 An act relating to preference in award of state
3 contracts; amending s. 287.084, F.S.; expanding
4 provisions that require an agency, university,
5 college, school district, or other political
6 subdivision of the state to provide preferential
7 consideration to a Florida business in awarding
8 competitively bid contracts to purchase personal
9 property to include the purchase of construction
10 services; requiring counties and municipalities to
11 provide such preferential consideration; providing
12 that for specified competitive solicitations the
13 authority to grant preference supersedes any local
14 ordinance or regulation that restricts specified
15 contractors from competing for an award based upon
16 certain conditions; requiring a university, college,
17 county, municipality, school district, or other
18 political subdivision to make specified disclosures in
19 competitive solicitation documents; providing for
20 construction; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (1) of section 287.084, Florida
25 Statutes, is amended to read:

26 287.084 Preference to Florida businesses.—

27 (1) (a) When an agency, university, college, school
28 district, or other political subdivision of the state is
29 required to make purchases of personal property or construction

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30 services through competitive solicitation and the lowest
31 responsible and responsive bid, proposal, or reply is by a
32 vendor whose principal place of business is in a state or
33 political subdivision thereof which grants a preference for the
34 purchase of such personal property or construction services to a
35 person whose principal place of business is in such state, then
36 the agency, university, college, school district, or other
37 political subdivision of this state shall award a preference to
38 the lowest responsible and responsive vendor having a principal
39 place of business within this state, which preference is equal
40 to the preference granted by the state or political subdivision
41 thereof in which the lowest responsible and responsive vendor
42 has its principal place of business. In a competitive
43 solicitation in which the lowest bid is submitted by a vendor
44 whose principal place of business is located outside the state
45 and that state does not grant a preference in competitive
46 solicitation to vendors having a principal place of business in
47 that state, the preference to the lowest responsible and
48 responsive vendor having a principal place of business in this
49 state shall be 5 percent.

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

52 (c)1. For a competitive solicitation in which payment for
53 the personal property or construction services is to be made in
54 whole or in part from funds appropriated by the state, this
55 section preempts and supersedes any local ordinance or
56 regulation that restricts a contractor certified under s.
57 489.105(8) from competing for an award based upon:

58 a. The vendor maintaining an office or place of business

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59 within a particular local jurisdiction;

60 b. The vendor hiring employees or subcontractors from
61 within a particular local jurisdiction; or

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

64 2. In any competitive solicitation subject to this section,
65 a university, college, county, municipality, school district, or
66 other political subdivision shall disclose in the solicitation
67 document whether payment will come from funds appropriated by
68 the state and, if known, the amount of such funds or the
69 percentage of such funds as compared to the anticipated total
70 cost of the personal property or construction services.

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

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

79 Section 2. This act shall take effect July 1, 2013.