

1 A bill to be entitled
 2 An act relating to preference in award of governmental
 3 contracts; creating s. 255.0991, F.S., and amending
 4 ss. 283.35 and 287.084, F.S.; providing preference in
 5 awarding competitive bid contracts to certain
 6 businesses for construction services, printing
 7 services, and goods and contractual services;
 8 providing definitions; providing for applicability;
 9 providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 255.0991, Florida Statutes, is created
 14 to read:

15 255.0991 Preference to Florida businesses.-

16 (1) (a) When a business that is not a local business is the
 17 lowest responsive bidder and the bid of a local business is no
 18 more than 10 percent above the lowest bid or, in the alternative
 19 the actual dollar bid is no more than the established dollar
 20 threshold for that competitive solicitation above the lowest
 21 bid, an agency, university, college, school district, or other
 22 political subdivision shall grant a preference to the local
 23 business by offering the local business and the nonlocal
 24 business that was the lowest responsive bidder an opportunity to
 25 submit a best and final bid equal to or lower than the amount of
 26 the lowest bid.

27 (b) The contract award shall be made to the bidder
 28 submitting the lowest best and final bid. In the case of a tie

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29 in the best and final bid between the local business and the
30 nonlocal business, the contract award shall be made to the local
31 business.

32 (2) A business that intentionally misrepresents its
33 qualifications as a local business in a proposal or bid
34 submitted to an agency, university, college, school district, or
35 other political subdivision shall lose the privilege to claim
36 local preference status for a period of 2 years.

37 (3) This section does not apply to a competitive
38 solicitation if:

39 (a) Such preference is prohibited by law.

40 (b) The competitive solicitation is designated for small
41 business.

42 (c) The competitive solicitation requires emergency
43 action.

44 (d) It is available only from a single source.

45 (4) As used in this section, the term:

46 (a) "Local business" means a business entity of which:

47 1. The business's principal place of business has been
48 located in the state for at least 1 year.

49 2. At least 60 percent of the business's employees reside
50 in the state at the time of contract award.

51 (b) "Principal place of business" means a fully
52 operational office at which the majority of the business's
53 employees and principals are located.

54 (5) This section does not apply to transportation projects
55 which are funded, in whole or in part, by federal aid funds.

56 Section 2. Section 283.35, Florida Statutes, is amended to

57 read:

58 283.35 Preference given printing within the state.—When
 59 awarding a contract to have materials printed, the agency,
 60 university, college, school district, or other political
 61 subdivision of this state awarding the contract shall grant a
 62 preference to the lowest responsible and responsive vendor
 63 having a principal place of business within this state in
 64 accordance with subsection (1) or subsection (2).

65 (1) The preference shall be 5 percent if the lowest bid is
 66 submitted by a vendor whose principal place of business is
 67 located outside the state and if the printing can be performed
 68 in this state at a level of quality comparable to that
 69 obtainable from the vendor submitting the lowest bid located
 70 outside the state. ~~As used in This subsection section, the term~~
 71 ~~"other political subdivision of this state"~~ does not apply to
 72 ~~include~~ counties or municipalities.

73 (2)(a)1. When a business that is not a local business is
 74 the lowest responsive bidder and the bid of a local business is
 75 no more than 10 percent above the lowest bid or, in the
 76 alternative the actual dollar bid is no more than the
 77 established dollar threshold for that competitive solicitation
 78 above the lowest bid, an agency, university, college, school
 79 district, or other political subdivision shall grant a
 80 preference to the local business by offering the local business
 81 and the nonlocal business that was the lowest responsive bidder
 82 an opportunity to submit a best and final bid equal to or lower
 83 than the amount of the lowest bid.

84 2. The contract award shall be made to the bidder

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85 submitting the lowest best and final bid. In the case of a tie
86 in the best and final bid between the local business and the
87 nonlocal business, the contract award shall be made to the local
88 business.

89 (b) A business that intentionally misrepresents its
90 qualifications as a local business in a proposal or bid
91 submitted to an agency, university, college, school district, or
92 other political subdivision shall lose the privilege to claim
93 local preference status for a period of 2 years.

94 (c) This subsection does not apply to a competitive
95 solicitation if:

96 1. Such preference is prohibited by law.

97 2. The competitive solicitation is designated for small
98 business.

99 3. The competitive solicitation requires emergency action.

100 4. It is available only from a single source.

101 (d) As used in this subsection, the term:

102 1. "Local business" means a business entity of which:

103 a. The business's principal place of business has been
104 located in the state for at least 1 year.

105 b. At least 60 percent of the business's employees reside
106 in the state at the time of contract award.

107 2. "Principal place of business" means a fully operational
108 office at which the majority of the business's employees and
109 principals are located.

110 Section 3. Section 287.084, Florida Statutes, is amended
111 to read:

112 287.084 Preference to Florida businesses.-

113
114 (1)~~(a)~~ When an agency, university, college, school
115 district, or other political subdivision of the state is
116 required to make purchases of personal property through
117 competitive solicitation and the lowest responsible and
118 responsive bid, proposal, or reply is by a vendor whose
119 principal place of business is in another a state or political
120 subdivision thereof, the agency, university, college, school
121 district, or other political subdivision must grant a preference
122 for the purchase of such personal property to the lowest
123 responsible and responsive vendor having a principal place of
124 business in this state in accordance with subsection (2) or
125 subsection (3).

126 (2) (a) If the lowest responsible and responsive bid,
127 proposal, or reply is by a vendor whose principal place of
128 business is a state or political subdivision which grants a
129 preference for the purchase of such personal property to a
130 person whose principal place of business is in such state, then
131 the agency, university, college, school district, or other
132 political subdivision of this state shall award a preference to
133 the lowest responsible and responsive vendor having a principal
134 place of business within this state, which preference is equal
135 to the preference granted by the state or political subdivision
136 thereof in which the lowest responsible and responsive vendor
137 has its principal place of business. In a competitive
138 solicitation in which the lowest bid is submitted by a vendor
139 whose principal place of business is located outside the state
140 and that state does not grant a preference in competitive

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141 solicitation to vendors having a principal place of business in
142 that state, the preference to the lowest responsible and
143 responsive vendor having a principal place of business in this
144 state shall be 5 percent.

145 ~~(b) Paragraph (a) does not apply to transportation~~
146 ~~projects for which federal aid funds are available.~~

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

150 (b)(2) A vendor whose principal place of business is
151 outside this state must accompany any written bid, proposal, or
152 reply documents with a written opinion of an attorney at law
153 licensed to practice law in that foreign state, as to the
154 preferences, if any or none, granted by the law of that state to
155 its own business entities whose principal places of business are
156 in that foreign state in the letting of any or all public
157 contracts.

158 (c) This subsection does not apply to transportation
159 projects which are funded, in whole or in part, by federal aid
160 funds.

161 (d) As used in this subsection, the term "other political
162 subdivision of this state" does not include counties or
163 municipalities.

164 (3)(a)1. When a business that is not a local business is
165 the lowest responsive bidder and the bid of a local business is
166 no more than 10 percent above the lowest bid or, in the
167 alternative the actual dollar bid is no more than the
168 established dollar threshold for that competitive solicitation

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169 above the lowest bid, an agency, university, college, school
170 district, or other political subdivision shall grant a
171 preference to the local business by offering the local business
172 and the nonlocal business that was the lowest responsive bidder
173 an opportunity to submit a best and final bid equal to or lower
174 than the amount of the lowest bid.

175 2. The contract award shall be made to the bidder
176 submitting the lowest best and final bid. In the case of a tie
177 in the best and final bid between the local business and the
178 nonlocal business, the contract award shall be made to the local
179 business.

180 (b) A business that intentionally misrepresents its
181 qualifications as a local business in a proposal or bid
182 submitted to an agency, university, college, school district, or
183 other political subdivision shall lose the privilege to claim
184 local preference status for a period of 2 years.

185 (c) This subsection does not apply to a competitive
186 solicitation if:

187 1. Such preference is prohibited by law.

188 2. The competitive solicitation is designated for small
189 business.

190 3. The competitive solicitation requires emergency action.

191 4. It is available only from a single source.

192 (d) This subsection does not apply to transportation
193 projects which are funded, in whole or in part, by federal aid
194 funds.

195 (e) As used in this subsection, the term:

196 1. "Local business" means a business entity of which:

197 a. The business's principal place of business has been
 198 located in the state for at least 1 year.

199 b. At least 60 percent of the business's employees reside
 200 in the state at the time of contract award.

201 2. "Principal place of business" means a fully operational
 202 office at which the majority of the business's employees and
 203 principals are located.

204 ~~(4)(3)~~(a) A vendor whose principal place of business is in
 205 this state may not be precluded from being an authorized
 206 reseller of information technology commodities of a state
 207 contractor as long as the vendor demonstrates that it employs an
 208 internationally recognized quality management system, such as
 209 ISO 9001 or its equivalent, and provides a warranty on the
 210 information technology commodities which is, at a minimum, of
 211 equal scope and length as that of the contract.

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

214 Section 4. This act shall take effect July 1, 2014.