

HB 801

2014

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 to require specified political subdivisions
5 to provide preferential consideration to Florida
6 businesses when awarding competitively bid contracts
7 for construction services; requiring counties and
8 municipalities to provide such preferential
9 consideration if state appropriations are used to fund
10 the contract; specifying that the grant preference
11 supersedes any local ordinance that restricts
12 contractors from competing for an award based upon
13 certain criteria; requiring certain political
14 subdivisions to disclose whether payment for a
15 competitively awarded contract will come from state
16 appropriations; providing for construction; providing
17 an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (1) of section 287.084, Florida
22 Statutes, is amended to read:

23 287.084 Preference to Florida businesses.—

24 (1) (a) When an agency, university, college, county,
25 municipality, school district, or other political subdivision of
26 the state is required to make purchases of personal property or

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

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

49 (c)1. For a competitive solicitation in which payment for
50 the personal property or construction services is to be made in
51 whole or in part from state appropriations, this section
52 preempts and supersedes any local ordinance or regulation that

53 restricts a contractor certified under s. 489.105(8) from
 54 competing for an award based upon:

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

57 b. The vendor hiring employees or subcontractors from
 58 within a particular local jurisdiction; or

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

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

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

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

76 Section 2. This act shall take effect July 1, 2014.