

By Senator Cruz

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1 A bill to be entitled
2 An act relating to state contracting; creating s.
3 287.1351, F.S.; defining the term "vendor";
4 prohibiting vendors that default or otherwise fail to
5 fulfill terms and conditions of a state contract from
6 submitting a bid, proposal, or reply, or entering into
7 or renewing a contract, to provide any goods or
8 services to an agency after placement on the suspended
9 vendor list; prohibiting an agency from accepting any
10 bids, proposals, or replies from, or entering into or
11 renewing any contract with, any suspended vendor until
12 certain conditions are met; requiring an agency to
13 notify the Department of Management Services of, and
14 provide certain information regarding, any such
15 vendors; requiring the department to review any vendor
16 reported by an agency; requiring the department to
17 notify any vendor of any intended removal from the
18 vendor list; specifying administrative remedies, and
19 applicable procedures, for an affected vendor;
20 requiring the department to place any such vendor on
21 the suspended vendor list; authorizing a suspended
22 vendor's removal from the suspended vendor list in
23 accordance with specified procedures; specifying
24 requirements and limitations; providing an effective
25 date.

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

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29 Section 1. Section 287.1351, Florida Statutes, is created

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30 to read:

31 287.1351 Suspended vendors; state contracts.-

32 (1) As used in this section, the term "vendor" means a
33 person or an entity that provides goods or services to an agency
34 under a contract or submits a bid, proposal, or reply to provide
35 goods or services to an agency.

36 (2) (a) A vendor that is in default on any contract with an
37 agency or has otherwise repeatedly demonstrated a recent
38 inability to fulfill the terms and conditions of previous state
39 contracts or to adequately perform its duties under those
40 contracts may not submit a bid, proposal, or reply to an agency
41 or enter into or renew a contract to provide any goods or
42 services to an agency after its placement, pursuant to this
43 section, on the suspended vendor list.

44 (b) An agency may not accept a bid, proposal, or reply
45 from, or enter into or renew any contract with, a vendor on the
46 suspended vendor list until such vendor has been removed from
47 the suspended vendor list and returned to the vendor list
48 maintained by the department pursuant to s. 287.042(1) (a) and
49 (b) and the vendor has reimbursed the agency for any
50 reprocurement costs.

51 (3) An agency shall notify the department of any vendor
52 that has met the grounds for suspension described in paragraph
53 (2) (a). The agency must provide documentation to the department
54 evidencing the vendor's default or other grounds for suspension.
55 The department shall review the documentation provided and
56 determine whether good cause exists to remove the company from
57 the vendor list and to place it on the suspended vendor list. If
58 good cause exists, the department must notify the vendor in

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59 writing of its intent to remove the vendor from the vendor list
60 and of the vendor's right to an administrative hearing and the
61 applicable procedures and time requirements for any such
62 hearing. If the vendor does not request an administrative
63 hearing, the department must enter a final order removing the
64 vendor from the vendor list. A vendor may not be removed from
65 the vendor list without receiving an individual notice of intent
66 from the department.

67 (4) Within 21 days after receipt of the notice of intent,
68 the vendor may file with the department a petition for a formal
69 hearing pursuant to ss. 120.569 and 120.57 to challenge the
70 department's decision to remove the vendor from the vendor list.
71 A vendor that fails to timely file a petition in accordance with
72 this subsection is deemed to have waived its right to a hearing,
73 and the department's decision to remove the vendor from the
74 vendor list becomes final agency action.

75 (5) (a) The department shall place any vendor removed from
76 the vendor list pursuant to this section on the suspended vendor
77 list. One year or more after entry of the final order of its
78 suspension, a suspended vendor may file a petition with the
79 department for removal from the suspended vendor list. The
80 proceeding on the petition must be conducted in accordance with
81 chapter 120. The vendor may be removed from the suspended vendor
82 list if the administrative law judge determines that removal
83 from the list would be in the public interest. In determining
84 whether removal from the list would be in the public interest,
85 the administrative law judge may consider, but is not limited
86 to, whether the suspended vendor has prepared a corrective
87 action plan that addresses the original grounds for default or

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88 failure to fulfill the terms and conditions of the contract,
89 reimbursed the agency for any reprocurement costs, or provided
90 additional evidence that the vendor has taken other remedial
91 action.

92 (b) If a petition for removal from the suspended vendor
93 list is denied, the vendor may not petition for another hearing
94 on removal for a period of at least 9 months after the date of
95 the denial. The department may petition for the suspended
96 vendor's removal before the expiration of such period if, in the
97 department's discretion, the department determines that removal
98 from the suspended vendor list would be in the public interest.

99 Section 2. This act shall take effect July 1, 2021.