

By Senator Collins

14-00814A-25

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1                   A bill to be entitled  
2       An act relating to procurement compliance; amending s.  
3       287.042, F.S.; authorizing the Department of  
4       Management Services to grant governmental entities  
5       access to electronic systems for specified purposes;  
6       amending s. 287.138, F.S.; authorizing governmental  
7       entities to use certain information to determine  
8       compliance with provisions prohibiting contracting  
9       with entities of foreign countries of concern;  
10      specifying actions that a governmental entity may take  
11      if an entity submits a false affidavit; providing that  
12      certain determinations do not constitute  
13      determinations or intended determination subject to  
14      certain protest; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18       Section 1. Paragraph (c) is added to subsection (6) of  
19      section 287.042, Florida Statutes, to read:

20       287.042 Powers, duties, and functions.—The department shall  
21      have the following powers, duties, and functions:

22       (6)

23       (c) To grant governmental entities, as defined in s.  
24      287.138, access to electronic systems that provide background  
25      information on vendors seeking to do business with the state.

26       Section 2. Present subsections (5), (6), and (7) of section  
27      287.138, Florida Statutes, are redesignated as subsections (6),  
28      (7), and (8), respectively, a new subsection (5) is added to  
29      that section, and present subsection (6) of that section is

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30 amended, to read:

31 287.138 Contracting with entities of foreign countries of  
32 concern prohibited.—

33 (5) A governmental entity may use information in its  
34 possession, including information acquired through electronic  
35 systems made available by the department, to verify that the  
36 affidavit is true and accurate. If the governmental entity  
37 determines that an affidavit submitted as part of a competitive  
38 solicitation is not true and accurate, the governmental entity  
39 may determine that the vendor is not a responsible or responsive  
40 vendor susceptible of award. A determination that an affidavit  
41 required under this section is not true and accurate, or a  
42 determination that a vendor is not responsible or responsive,  
43 does not constitute a decision or intended decision that is  
44 subject to protest under s. 120.57(3).

45 (7)~~(6)~~ Any penalties collected under subsection (6) ~~(5)~~  
46 must be deposited into the General Revenue Fund.

47 Section 3. This act shall take effect upon becoming a law.