

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Fresen offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 255.0991, Florida Statutes, is created
 7 to read:

8 255.0991 Preference to Florida businesses.-

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

20 (b) The contract award shall be made to the bidder

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21 submitting the lowest best and final bid. In the case of a tie
22 in the best and final bid between the local business and the
23 nonlocal business, the contract award shall be made to the local
24 business.

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

30 (3) This section does not apply to a competitive
31 solicitation if:

32 1. Such preference is prohibited by law.

33 2. The competitive solicitation is designated for small
34 business.

35 3. The competitive solicitation requires emergency action.

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

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

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

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

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

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

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

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48 Section 2. Section 283.35, Florida Statutes, is amended to
49 read:

50 283.35 Preference given printing within the state.— When
51 awarding a contract to have materials printed, the agency,
52 university, college, school district, or other political
53 subdivision of this state awarding the contract shall grant a
54 preference to the lowest responsible and responsive vendor
55 having a principal place of business within this state in
56 accordance with either subsection (1) or subsection (2).

57 (1) The preference shall be 5 percent if the lowest bid is
58 submitted by a vendor whose principal place of business is
59 located outside the state and if the printing can be performed
60 in this state at a level of quality comparable to that
61 obtainable from the vendor submitting the lowest bid located
62 outside the state. As used in this subsection ~~section~~, the term
63 "other political subdivision of this state" does not include
64 counties or municipalities.

65 (2) (a) 1. When a business that is not a local business is
66 the lowest responsive bidder and the bid of a local business is
67 no more than 10 percent above the lowest bid or, in the
68 alternative the actual dollar bid is no more than the
69 established dollar threshold for that competitive solicitation
70 above the lowest bid, an agency, university, college, school
71 district, or other political subdivision shall grant a
72 preference to the local business by offering the local business
73 and the nonlocal business that was the lowest responsive bidder
74 an opportunity to submit a best and final bid equal to or lower
75 than the amount of the lowest bid.

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76 2. The contract award shall be made to the bidder
77 submitting the lowest best and final bid. In the case of a tie
78 in the best and final bid between the local business and the
79 nonlocal business, the contract award shall be made to the local
80 business.

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

86 (c) This subsection does not apply to a competitive
87 solicitation if:

88 1. Such preference is prohibited by law.

89 2. The competitive solicitation is designated for small
90 business.

91 3. The competitive solicitation requires emergency action.

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

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

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

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

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

99 2. "Principal place of business" means a fully operational
100 office at which the majority of the business's employees and
101 principals are located.

102 Section 3. Section 287.084, Florida Statutes, is amended
103 to read:

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104 287.084 Preference to Florida businesses.-

105 (1)~~(a)~~ When an agency, university, college, school
106 district, or other political subdivision of the state is
107 required to make purchases of personal property through
108 competitive solicitation and the lowest responsible and
109 responsive bid, proposal, or reply is by a vendor whose
110 principal place of business is in another a state or political
111 subdivision thereof, the agency, university, college, school
112 district, or other political subdivision must grant a
113 preference for the purchase of such personal property to the
114 lowest responsible and responsive vendor having a principal
115 place of business in this state in accordance with either
116 subsection (2) or subsection (3).

117 (2) (a)1. If the lowest responsible and responsive bid,
118 proposal, or reply is by a vendor whose principal place of
119 business is a state or political subdivision which grants a
120 preference for the purchase of such personal property to a
121 person whose principal place of business is in such state, then
122 the agency, university, college, school district, or other
123 political subdivision of this state shall award a preference to
124 the lowest responsible and responsive vendor having a principal
125 place of business within this state, which preference is equal
126 to the preference granted by the state or political subdivision
127 thereof in which the lowest responsible and responsive vendor
128 has its principal place of business. In a competitive
129 solicitation in which the lowest bid is submitted by a vendor
130 whose principal place of business is located outside the state
131 and that state does not grant a preference in competitive

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132 solicitation to vendors having a principal place of business in
133 that state, the preference to the lowest responsible and
134 responsive vendor having a principal place of business in this
135 state shall be 5 percent.

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

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

141 (b)(2) A vendor whose principal place of business is
142 outside this state must accompany any written bid, proposal, or
143 reply documents with a written opinion of an attorney at law
144 licensed to practice law in that foreign state, as to the
145 preferences, if any or none, granted by the law of that state to
146 its own business entities whose principal places of business are
147 in that foreign state in the letting of any or all public
148 contracts.

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

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

155 (3) (a) 1. When a business that is not a local business is
156 the lowest responsive bidder and the bid of a local business is
157 no more than 10 percent above the lowest bid or, in the
158 alternative the actual dollar bid is no more than the
159 established dollar threshold for that competitive solicitation

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160 above the lowest bid, an agency, university, college, school
161 district, or other political subdivision shall grant a
162 preference to the local business by offering the local business
163 and the nonlocal business that was the lowest responsive bidder
164 an opportunity to submit a best and final bid equal to or lower
165 than the amount of the lowest bid.

166 2. The contract award shall be made to the bidder
167 submitting the lowest best and final bid. In the case of a tie
168 in the best and final bid between the local business and the
169 nonlocal business, the contract award shall be made to the local
170 business.

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

176 (c) This subsection does not apply to a competitive
177 solicitation if:

178 1. Such preference is prohibited by law.

179 2. The competitive solicitation is designated for small
180 business.

181 3. The competitive solicitation requires emergency action.

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

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

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

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

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

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

192 2. "Principal place of business" means a fully operational
193 office at which the majority of the business's employees and
194 principals are located.

195 ~~(4)~~(3)(a) A vendor whose principal place of business is in
196 this state may not be precluded from being an authorized
197 reseller of information technology commodities of a state
198 contractor as long as the vendor demonstrates that it employs an
199 internationally recognized quality management system, such as
200 ISO 9001 or its equivalent, and provides a warranty on the
201 information technology commodities which is, at a minimum, of
202 equal scope and length as that of the contract.

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

205 Section 4. This act shall take effect July 1, 2013.

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209 **T I T L E A M E N D M E N T**

210 Remove everything before the enacting clause and insert:

211 A bill to be entitled

212 An act relating to preference in award of governmental
213 contracts; creating s. 255.0991, F.S.; providing a preference
214 for local businesses in awarding competitively bid contracts for
215 construction services; providing for applicability; defining

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1017 (2013)

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216 terms; amending s. 283.35, F.S.; providing an alternative
217 preference for local businesses in awarding competitively bid
218 contracts for printing contracts; providing for applicability;
219 defining terms; amending s. 287.084, F.S.; providing a
220 preference for local businesses in awarding competitively bid
221 contracts for goods and contractual services; providing for
222 applicability; defining terms; providing an effective date.