

1 A bill to be entitled
2 An act relating to preference in award of governmental
3 contracts; creating s. 255.0991, F.S.; authorizing an
4 agency, university, college, school district, or other
5 political subdivision of the state to provide
6 preferential consideration to a Florida business in
7 awarding competitively bid contracts to purchase
8 construction services; providing that for specified
9 competitive solicitations the authority to grant
10 preference supersedes any local ordinance or
11 regulation which grants preference to specified
12 vendors; requiring a university, college, school
13 district, or other political subdivision to make
14 specified disclosures in competitive solicitation
15 documents; requiring legal written opinions to
16 accompany specified bids, proposals, and reply
17 documents; amending s. 287.084, F.S.; expanding
18 provisions that require an agency, university,
19 college, school district, or other political
20 subdivision of the state to provide preferential
21 consideration to a Florida business in awarding
22 competitively bid contracts to purchase personal
23 property to require counties and municipalities to
24 provide such preferential consideration; providing
25 that for specified competitive solicitations the
26 authority to grant preference supersedes any local
27 ordinance or regulation which grants preference to
28 specified vendors; requiring a university, college,

29 | county, municipality, school district, or other
 30 | political subdivision to make specified disclosures in
 31 | competitive solicitation documents; providing an
 32 | effective date.

34 | Be It Enacted by the Legislature of the State of Florida:

36 | Section 1. Section 255.0991, Florida Statutes, is created
 37 | to read:

38 | 255.0991 Preference to Florida businesses.-

39 | (1) (a) When an agency, university, college, school
 40 | district, or other political subdivision of the state is
 41 | required to make purchases of construction services through
 42 | competitive solicitation and the lowest responsible and
 43 | responsive bid, proposal, or reply is by a vendor whose
 44 | principal place of business is in a state or political
 45 | subdivision thereof which grants a preference for the purchase
 46 | of such construction services to a person whose principal place
 47 | of business is in such state, then the agency, university,
 48 | college, school district, or other political subdivision of this
 49 | state shall award a preference to the lowest responsible and
 50 | responsive vendor having a principal place of business within
 51 | this state, which preference is equal to the preference granted
 52 | by the state or political subdivision thereof in which the
 53 | lowest responsible and responsive vendor has its principal place
 54 | of business. In a competitive solicitation in which the lowest
 55 | bid is submitted by a vendor whose principal place of business
 56 | is located outside the state and that state does not grant a

57 | preference in competitive solicitation to vendors having a
58 | principal place of business in that state, the preference to the
59 | lowest responsible and responsive vendor having a principal
60 | place of business in this state shall be 5 percent.

61 | (b) Paragraph (a) does not apply to transportation
62 | projects for which federal aid funds are available.

63 | (c)1. For a competitive solicitation in which payment for
64 | the construction services is to be made in whole or in part from
65 | funds appropriated by the state, this section preempts and
66 | supersedes any local ordinance or regulation that restricts a
67 | contractor certified under s. 489.105(8) from competing for an
68 | award based upon:

69 | a. The vendor maintaining an office or place of business
70 | within a particular local jurisdiction;

71 | b. The vendor hiring employees or subcontractors from
72 | within a particular local jurisdiction; or

73 | c. The vendor's prior payment of local taxes, assessments,
74 | or duties within a particular local jurisdiction.

75 | 2. In any competitive solicitation subject to this
76 | section, a university, college, county, municipality, school
77 | district, or other political subdivision shall disclose in the
78 | solicitation document whether payment will come from funds
79 | appropriated by the state and, if known, the amount of such
80 | funds or the percentage of such funds as compared to the
81 | anticipated total cost of the construction services.

82 | 3. Except as provided in subparagraph 1., this section
83 | does not prevent a university, college, county, municipality,
84 | school district, or other political subdivision of this state

85 from awarding a contract to any vendor in accordance with
 86 applicable state laws or local ordinances or regulations.

87 (2) A vendor whose principal place of business is outside
 88 this state must accompany any written bid, proposal, or reply
 89 documents with a written opinion of an attorney at law licensed
 90 to practice law in that foreign state, as to the preferences, if
 91 any or none, granted by the law of that state to its own
 92 business entities whose principal places of business are in that
 93 foreign state in the letting of any or all public contracts.

94 Section 2. Subsection (1) of section 287.084, Florida
 95 Statutes, is amended to read:

96 287.084 Preference to Florida businesses.—

97 (1) (a) When an agency, university, college, school
 98 district, or other political subdivision of the state is
 99 required to make purchases of personal property through
 100 competitive solicitation and the lowest responsible and
 101 responsive bid, proposal, or reply is by a vendor whose
 102 principal place of business is in a state or political
 103 subdivision thereof which grants a preference for the purchase
 104 of such personal property to a person whose principal place of
 105 business is in such state, then the agency, university, college,
 106 school district, or other political subdivision of this state
 107 shall award a preference to the lowest responsible and
 108 responsive vendor having a principal place of business within
 109 this state, which preference is equal to the preference granted
 110 by the state or political subdivision thereof in which the
 111 lowest responsible and responsive vendor has its principal place
 112 of business. In a competitive solicitation in which the lowest

113 bid is submitted by a vendor whose principal place of business
114 is located outside the state and that state does not grant a
115 preference in competitive solicitation to vendors having a
116 principal place of business in that state, the preference to the
117 lowest responsible and responsive vendor having a principal
118 place of business in this state shall be 5 percent.

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

121 (c)1. For a competitive solicitation in which payment for
122 the personal property is to be made in whole or in part from
123 funds appropriated by the state, this section preempts and
124 supersedes any local ordinance or regulation that grants
125 preference to a vendor based upon:

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

128 b. The vendor hiring employees or subcontractors from
129 within a particular local jurisdiction; or

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

132 2. In any competitive solicitation subject to this
133 section, a university, college, county, municipality, school
134 district, or other political subdivision shall disclose in the
135 solicitation document whether payment will come from funds
136 appropriated by the state and, if known, the amount of such
137 funds or the percentage of such funds as compared to the
138 anticipated total cost of the personal property.

139 3. Except as provided in subparagraph 1., this section
140 does not prevent a university, college, county, municipality,

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141 school district, or other political subdivision of this state
142 from awarding a contract to any vendor in accordance with
143 applicable state laws or local ordinances or regulations.

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

147 Section 3. This act shall take effect July 1, 2013.