

By Senator Altman

24-01963A-10

20102302

1 A bill to be entitled
2 An act relating to preference to Florida businesses in
3 procurement of personal property and services;
4 designating the title of the act as the "Buy Florida
5 Act"; amending s. 287.084, F.S.; requiring, rather
6 than authorizing, an agency, county, municipality,
7 school district, or other political subdivision of the
8 state that is required to make purchases of personal
9 property through competitive solicitation to award a
10 preference to the lowest responsible and responsive
11 vendor having a principal place of business within
12 this state under specified circumstances; specifying
13 the percentages of preference to be granted; providing
14 nonapplicability; amending s. 283.35, F.S.; requiring
15 an agency, county, municipality, school district, or
16 other political subdivision of the state to grant a
17 specified preference to a vendor located within the
18 state when awarding a contract for printing under
19 certain circumstances; specifying the percentages of
20 preference to be granted; providing nonapplicability;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. This act may be cited as the "Buy Florida Act."

26 Section 2. Section 287.084, Florida Statutes, is amended to
27 read:

28 287.084 Preference to Florida businesses.—

29 (1) (a) When an agency, county, municipality, school

24-01963A-10

20102302

30 district, or other political subdivision of the state is
31 required to make purchases of personal property through
32 competitive solicitation and the lowest responsible and
33 responsive bid, proposal, or reply is by a vendor whose
34 principal place of business is in a state or political
35 subdivision thereof which grants a preference for the purchase
36 of such personal property to a person whose principal place of
37 business is in such state, then the agency, county,
38 municipality, school district, or other political subdivision of
39 this state shall ~~may~~ award a preference to the lowest
40 responsible and responsive vendor having a principal place of
41 business within this state, which preference is equal to the
42 preference granted by the state or political subdivision thereof
43 in which the lowest responsible and responsive vendor has its
44 principal place of business. In a competitive solicitation in
45 which the lowest bid is submitted by a vendor whose principal
46 place of business is located outside the state and that state
47 does not grant a preference in competitive solicitation to
48 vendors having a principal place of business in that state, the
49 preference to the lowest responsible and responsive vendor
50 having a principal place of business within this state shall be
51 5 percent.

52 (b) Paragraph (a) However, this section does not apply to:

53 1. Transportation projects for which federal aid funds are
54 available.

55 2. Bids submitted by the corporation defined in part II of
56 chapter 946, known as the Prison Rehabilitative Industries and
57 Diversified Enterprises, Inc., or PRIDE Enterprises.

58 ~~(2) If a solicitation provides for the granting of such~~

24-01963A-10

20102302__

59 ~~preference as is provided in this section,~~ Any vendor whose
60 principal place of business is outside the State of Florida must
61 accompany any written bid, proposal, or reply documents with a
62 written opinion of an attorney at law licensed to practice law
63 in that foreign state, as to the preferences, if any or none,
64 granted by the law of that state to its own business entities
65 whose principal places of business are in that foreign state in
66 the letting of any or all public contracts.

67 Section 3. Section 283.35, Florida Statutes, is amended to
68 read:

69 283.35 Preference given printing within the state. ~~Every~~
70 ~~agency shall give preference to vendors located within the state~~

71 (1) When awarding a contract contracts to have materials
72 printed, the agency, county, municipality, school district, or
73 other political subdivision of this state awarding the contract
74 shall grant a preference to the lowest responsible and
75 responsive vendor having a principal place of business within
76 this state, which preference is:

77 (a) Equal to the preference granted by the state or
78 political subdivision thereof in which the lowest responsible
79 and responsive vendor has its principal place of business; or

80 (b) If the lowest bid is submitted by a vendor whose
81 principal place of business is located outside the state and
82 that state does not grant a preference in competitive
83 solicitation to vendors having a principal place of business in
84 that state, the preference to the lowest responsible and
85 responsive vendor having a principal place of business within
86 this state shall be 5 percent,

24-01963A-10

20102302__

88 if the ~~whenever such~~ printing can be performed in this state
89 ~~done at no greater expense than the expense of awarding a~~
90 ~~contract to a vendor located outside the state and can be done~~
91 at a level of quality comparable to that obtainable from the a
92 vendor submitting the lowest bid located outside the state.

93 (2) Subsection (1) does not apply to a contract for
94 printing awarded to the corporation defined in part II of
95 chapter 946, known as the Prison Rehabilitative Industries and
96 Diversified Enterprises, Inc., or PRIDE Enterprises.

97 (3) Any vendor whose principal place of business is outside
98 the State of Florida must accompany any written bid, proposal,
99 or reply documents with a written opinion of an attorney at law
100 licensed to practice law in that foreign state, as to the
101 preferences, if any or none, granted by the law of that state to
102 its own business entities whose principal places of business are
103 in that foreign state in the letting of any or all public
104 contracts.

105 Section 4. This act shall take effect July 1, 2010.