

By the Committee on Governmental Oversight and Accountability;  
and Senators Bogdanoff, Fasano, and Gaetz

585-02920-11

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

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

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

24 Section 2. Section 283.35, Florida Statutes, is amended to  
25 read:

26 283.35 Preference given printing within the state. ~~Every~~  
27 ~~agency shall give preference to vendors located within the state~~

28 (1) When awarding a contract ~~contracts~~ to have materials  
29 printed, the agency, county, municipality, school district, or

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30 other political subdivision of this state awarding the contract  
31 shall grant a preference to the lowest responsible and  
32 responsive vendor having a principal place of business within  
33 this state if the ~~whenever such~~ printing can be performed in  
34 this state ~~done at no greater expense than the expense of~~  
35 ~~awarding a contract to a vendor located outside the state and~~  
36 ~~can be done~~ at a level of quality comparable to that obtainable  
37 from ~~the a~~ vendor submitting the lowest bid located outside the  
38 state. The preference for the in-state bidder shall be:-

39 (a) Equal to the preference granted by the state or  
40 political subdivision in which the lowest responsible and  
41 responsive vendor has its principal place of business; or

42 (b) Five percent if the lowest bid is submitted by a vendor  
43 whose principal place of business is located outside the state  
44 and that state does not grant a preference in competitive  
45 solicitation to vendors having a principal place of business in  
46 that state.

47 (2) Any vendor whose principal place of business is in  
48 another state must accompany any written bid, proposal, or reply  
49 documents with a written opinion of an attorney licensed in that  
50 state regarding any preferences granted by that state to its own  
51 business entities whose principal places of business are in that  
52 state in the letting of public contracts.

53 Section 3. Section 287.084, Florida Statutes, is amended to  
54 read:

55 287.084 Preference to Florida businesses.-

56 (1) (a) When an agency, county, municipality, school  
57 district, or other political subdivision of the state is  
58 required to make purchases of personal property through

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59 competitive solicitation and the lowest responsible and  
60 responsive bid, proposal, or reply is by a vendor whose  
61 principal place of business is in a state or political  
62 subdivision thereof which grants a preference for the purchase  
63 of such personal property to a person whose principal place of  
64 business is in such state, then the agency, county,  
65 municipality, school district, or other political subdivision of  
66 this state shall ~~may~~ award a preference to the lowest  
67 responsible and responsive vendor having a principal place of  
68 business within this state, which preference is equal to the  
69 preference granted by the state or political subdivision thereof  
70 in which the lowest responsible and responsive vendor has its  
71 principal place of business. In a competitive solicitation in  
72 which the lowest bid is submitted by a vendor whose principal  
73 place of business is located outside the state and that state  
74 does not grant a preference in competitive solicitation to  
75 vendors having a principal place of business in that state, the  
76 preference to the lowest responsible and responsive vendor  
77 having a principal place of business in this state shall be 5  
78 percent.

79 (b) Paragraph (a) ~~However, this section~~ does not apply to  
80 transportation projects for which federal aid funds are  
81 available.

82 ~~(2) If a solicitation provides for the granting of such~~  
83 ~~preference as is provided in this section,~~ Any vendor whose  
84 principal place of business is outside the State of Florida must  
85 accompany any written bid, proposal, or reply documents with a  
86 written opinion of an attorney at law licensed to practice law  
87 in that foreign state, as to the preferences, if any or none,

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88 granted by the law of that state to its own business entities  
89 whose principal places of business are in that foreign state in  
90 the letting of any or all public contracts.

91 Section 4. This act shall take effect July 1, 2011.