

By Senator Hays

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1 A bill to be entitled
2 An act relating to preference in the award of state
3 contracts; amending s. 287.084, F.S.; expanding
4 provisions that require an agency, university,
5 college, school district, or other political
6 subdivision of the state to provide preferential
7 consideration to a Florida business in awarding
8 competitively bid contracts to purchase personal
9 property to include the purchase of construction
10 services; requiring counties and municipalities to
11 provide such preferential consideration; providing
12 that for specified competitive solicitations the
13 authority to grant a preference supersedes any local
14 ordinance or regulation that restricts specified
15 contractors from competing for an award based upon
16 certain conditions; requiring a university, college,
17 county, municipality, school district, or other
18 political subdivision to make specified disclosures in
19 competitive solicitation documents; providing that a
20 university, college, county, municipality, school
21 district, or other political subdivision is not
22 prohibited from awarding a contract to a vendor under
23 certain circumstances; providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsection (1) of section 287.084, Florida
28 Statutes, is amended to read:

29 287.084 Preference to Florida businesses.—

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

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

55 (c) 1. For a competitive solicitation in which payment for
56 the personal property or construction services is to be made in
57 whole or in part from funds appropriated by the state, this
58 section preempts and supersedes any local ordinance or

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59 regulation that restricts a contractor certified under s.
60 489.105(8) from competing for an award based upon:

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

63 b. The vendor hiring employees or subcontractors from
64 within a particular local jurisdiction; or

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

67 2. In any competitive solicitation subject to this section,
68 a university, college, county, municipality, school district, or
69 other political subdivision of this state shall disclose in the
70 solicitation document whether payment will come from funds
71 appropriated by the state and, if known, the amount of such
72 funds or the percentage of such funds as compared to the
73 anticipated total cost of the personal property or construction
74 services.

75 3. Except as provided in subparagraph 1., this section does
76 not prohibit a university, college, county, municipality, school
77 district, or other political subdivision of this state from
78 awarding a contract to a vendor in accordance with applicable
79 state laws or local ordinances or regulations.

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

83 Section 2. This act shall take effect July 1, 2014.