

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

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3 **Amendment to Amendment (841717) (with title amendment)**

4 Between lines 3827 and 3828, insert:

5 Section 49. Section 287.084, Florida Statutes, is amended
6 to read:

7 287.084 Preference to Florida businesses.-

8 (1) When an agency, county, municipality, school district,
9 or other political subdivision of the state is required to make
10 purchases of personal property through competitive solicitation
11 and the lowest responsible and responsive bid, proposal, or
12 reply is by a vendor whose principal place of business is in a
13 state or political subdivision thereof which grants a preference
14 for the purchase of such personal property to a person whose
15 principal place of business is in such state, then the agency,
16 county, municipality, school district, or other political

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17 subdivision of this state shall ~~may~~ award a preference to the
18 lowest responsible and responsive vendor having a principal
19 place of business within this state, which preference is equal
20 to the preference granted by the state or political subdivision
21 thereof in which the lowest responsible and responsive vendor
22 has its principal place of business. In a competitive
23 solicitation in which the lowest bid is submitted by a vendor
24 whose principal place of business is located outside the state
25 and that state does not grant a preference in competitive
26 solicitation to vendors having a principal place of business in
27 that state, the preference to the lowest responsible and
28 responsive vendor having a principal place of business within
29 this state shall be 2 percent. However, this section does not
30 apply to transportation projects for which federal aid funds are
31 available.

32 (2) ~~If a solicitation provides for the granting of such~~
33 ~~preference as is provided in this section,~~ Any vendor whose
34 principal place of business is outside the State of Florida must
35 accompany any written bid, proposal, or reply documents with a
36 written opinion of an attorney at law licensed to practice law
37 in that foreign state, as to the preferences, if any or none,
38 granted by the law of that state to its own business entities
39 whose principal places of business are in that foreign state in
40 the letting of any or all public contracts.

41 Section 50. Preference to state residents.—

42 (1) Each contract for construction that is funded by state
43 funds must contain a provision requiring the contractor to give
44 preference to the employment of state residents in the

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45 performance of the work on the project if state residents have
46 substantially equal qualifications to those of nonresidents. A
47 contract for construction funded by local funds may contain such
48 a provision.

49 (a) As used in this section, the term "substantially equal
50 qualifications" means the qualifications of two or more persons
51 among whom the employer cannot make a reasonable determination
52 that the qualifications held by one person are better suited for
53 the position than the qualifications held by the other person or
54 persons.

55 (b) A contractor required to employ state residents must
56 contact the Agency for Workforce Innovation to post the
57 contractor's employment needs in the state's job bank system.

58 (2) No contract shall be let to any person refusing to
59 execute an agreement containing the provisions required by this
60 section. However, in work involving the expenditure of federal
61 aid funds, this section may not be enforced in such a manner as
62 to conflict with or be contrary to federal law prescribing a
63 labor preference to honorably discharged soldiers, sailors, or
64 marines, or prohibiting as unlawful any other preference or
65 discrimination among the citizens of the United States.

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

69 Remove line 4230 and insert:
70 deadlines; specifying compliance requirements; amending s.
71 287.084, F.S.; requiring, rather than authorizing, an
72 agency, county, municipality, school district, or other

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73 political subdivision of the state that is required to
74 make purchases of personal property through competitive
75 solicitation to award a preference to the lowest
76 responsible and responsive vendor having a principal place
77 of business within this state under specified
78 circumstances; specifying the percentages of preference to
79 be granted; requiring that construction contracts funded
80 by state funds contain a provision requiring the
81 contractor to give preference to the employment of state
82 residents if they have substantially equal qualifications
83 as nonresidents; defining the term "substantially equal
84 qualifications"; providing a