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**AGENDA REPORT
January 23, 2018**

SUBJECT:

Repeal of Local Preference Policy

FISCAL IMPACT:

Indeterminate

DEPT/OFFICE:

District 3

REQUESTED ACTION:

It is requested that the Board pass the attached Resolution

SUMMARY EXPLANATION and BACKGROUND:

Brevard County's "local preference" policy was adopted, in its current form, in January of 2014. Since adoption, there have been instances in which this policy has been a deciding factor in awards. The policy is distorting the market, leading to increased costs for the County. As such, repealing the local preference policy would be in the best interest of the taxpayer.

ATTACHMENTS:

Description

- Resolution

REVIEWERS:

**Department
District 3**

**Reviewer
Lewis, Sally**

per Sally
 VI.F.1 going
 to a February
 mtg.



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January 24, 2018

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item VI.F.1., Resolution Repealing Local Preference Policy

The Board of County Commissioners, in regular session on January 23, 2018, tabled consideration of resolution to appeal Local Preference Policy to the February 6, 2018, Board meeting.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager

RESOLUTION 18-_____

**RECORDING BREVARD COUNTY'S "LOCAL PREFERENCE" POLICY IN ORDER TO
TREAT ALL ENTITIES SEEKING TO DO BUSINESS WITH BREVARD COUNTY
EQUALLY**

WHEREAS, giving preference to businesses which have a place of business within the County and State ("local preference") during the procurement process disrupts and distorts market forces; and

WHEREAS, it is in the best interests of County taxpayers to have the most efficient market in its procurements; and

WHEREAS, local preference inevitably leads to higher costs for Brevard County in its endeavors on behalf of citizens; and

WHEREAS, local preference policies discourage businesses from competing for business due to the reality and perception of an unbalanced selection process; and

WHEREAS, businesses located within Brevard County will continue to be competitive in responding to the needs of the County due to natural market forces and advantages; and

WHEREAS, basic principles of equity demand that all those seeking to do business with Brevard County are treated fairly.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF BREVARD COUNTY FLORIDA, as follows:**

Section 1. Repealing Local Business Preference Policy

The Board of County Commissioners hereby repeals Resolutions 2014-031 and 2012-21, and any associated policy granting preference to entities with a place of business within Brevard County or the State of Florida, in its entirety

Section 2. Effective Date

This resolution shall take effect immediately upon the date of execution and apply to any bid/RFP advertised after the date of execution

DONE, ORDERED AND ADOPTED, in regular session, this 23rd Day of January, 2018.

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL

ATTEST:

SCOTT ELLIS, CLERK

By Senator Stewart

13-01011-18

20181014

1 A bill to be entitled

2 An act relating to recyclable materials; amending s.
3 403.7033, F.S.; deleting a preemption of local law
4 relating to regulation of auxiliary containers,
5 wrappings, or disposable plastic bags; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 403.7033, Florida Statutes, is amended
11 to read:

12 403.7033 Departmental analysis of particular recyclable
13 materials.—The Legislature finds that prudent regulation of
14 recyclable materials is crucial to the ongoing welfare of
15 Florida's ecology and economy. As such, the Department of
16 Environmental Protection shall undertake an analysis of the need
17 for new or different regulation of auxiliary containers,
18 wrappings, or disposable plastic bags used by consumers to carry
19 products from retail establishments. The analysis shall include
20 input from state and local government agencies, stakeholders,
21 private businesses, and citizens, and shall evaluate the
22 efficacy and necessity of both statewide and local regulation of
23 these materials. To ensure consistent and effective
24 implementation, the department shall submit a report with
25 conclusions and recommendations to the Legislature no later than
26 February 1, 2010. ~~Until such time that the Legislature adopts~~
27 ~~the recommendations of the department, no local government,~~
28 ~~local governmental agency, or state government agency may enact~~
29 ~~any rule, regulation, or ordinance regarding use, disposition,~~

13-01011-18

20181014__

30 ~~sale, prohibition, restriction, or tax of such auxiliary~~
31 ~~containers, wrappings, or disposable plastic bags.~~

32 Section 2. This act shall take effect July 1, 2018.

1 A bill to be entitled
 2 An act relating to auxiliary containers, wrappings,
 3 and disposable plastic bags used by retail
 4 establishments; amending s. 403.7033, F.S.; removing
 5 the state preemption on the regulation of certain
 6 auxiliary containers, wrappings, and disposable
 7 plastic bags; providing an effective date.

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

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 11 Section 1. Section 403.7033, Florida Statutes, is amended
 12 to read:

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HB 6039

2018

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