

CHAPTER 283

PUBLIC PRINTING

PART I EXECUTIVE AGENCY PRINTING (ss. 283.30-283.58)

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PART I

EXECUTIVE AGENCY PRINTING

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283.30 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(1) "Agency" means any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council, or any other unit of organization, however designated, of the executive branch of state government, and the Public Service Commission.

(2) "Division" means the Division of Purchasing of the Department of Management Services.

(3) "Duplicating" means the process of reproducing an image or images from an original to a final substrate through the electrophotographic, xerographic, laser, or offset process or any combination of these processes, by which an operator can make more than one copy without rehandling the original.

(4) "Printing" is the transfer of an image or images by the use of ink or similar substance from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. Printing shall include the process of and the materials used in binding. Printing shall also include duplicating when used to produce publications.

(5) "Public" means those entities and persons other than subordinate and functionally related or connected federal, state, or local governmental agencies.

(6) "Publication" means any document, whether produced for public or internal distribution.

History.—ss. 1, 6, ch. 83-252; s. 30, ch. 84-254; s. 4, ch. 88-32; ss. 2, 44, ch. 90-335; s. 237, ch. 92-279; s. 55, ch. 92-326.

283.31 Records of executive agency publications.

Each agency shall maintain a record of any publication the printing of which costs in excess of the threshold amount provided in s. 287.017 for CATEGORY THREE, at least part of which is paid for by state funds appropriated by the Legislature. Such record shall also contain the following: written justification of the need for such publication, purpose of such publication, legislative or administrative authority, sources of funding, frequency and number of issues, and reasons for deciding to have the publication printed in-house, by another agency or the Legislature, or purchased on bid. In addition, such record shall contain the comparative costs of alternative printing methods when such costs were a factor in deciding upon a method. Compliance with the provisions of this section shall be included within the scope of audits performed by the Auditor General on each agency, and such audits shall be performed not less than once every 3 years. The Auditor General shall also conduct a financial-related and performance audit of the corporation operating the correctional industry program. Such audit shall be conducted once every 3 years, and the first audit shall be for the period July 1, 1988, through June 30, 1990, to be completed prior to the 1991 regular legislative session. Such audit shall include a review of the printing that the corporation has done for state agencies. This review shall include the cost of materials used, the cost of labor, the cost of overhead, the amount of profit made by the corporation for such printing, and whether the state agencies that contract with the corporation for printing are prudently determining the price paid for such printing. Such audits shall be completed no later than the first day of the regular legislative session.

History.—ss. 1, 6, ch. 83-252; s. 31, ch. 84-254; ss. 1, 4, ch. 88-32; ss. 3, 44, ch. 90-335; s. 17, ch. 95-143.

283.32 Recycled paper to be used by each agency; printing bids certifying use of recycled paper; percentage preference in awarding contracts.—

(1) Each agency shall purchase, when economical, recycled paper if and when recycled paper can be obtained that is of adequate quality for the purposes of the agency.

(2) Each agency shall require that a person who submits a bid for a contract for printing and who wishes to be considered for the price preference described in s. 287.045 shall certify in writing the percentage of recycled content of the material used for such printing. Such person may certify that the material contains no recycled content.

(3) Upon evaluation of bids for each printing contract, the agency shall identify the lowest responsive bidder and any other responsive bidders who have certi-

fied that the materials used in printing contain at least the minimum percentage of recycled content that is set forth by the division. In awarding a contract for printing, the agency may allow up to a 10-percent price preference, as provided in s. 287.045, to a responsive bidder who has certified that the materials used in printing contain at least the minimum percentage of recycled content established by the division. If no bidders offer materials for printing that contain the minimum prescribed recycled content, the contract shall be awarded to the lowest qualified bidder.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 4, 44, ch. 90-335.

283.33 Printing of publications; lowest bidder awards.—

(1) Publications may be printed and prepared in-house, by another agency or the Legislature, or purchased on bid, whichever is more economical and practicable as determined by the agency. An agency may contract for binding separately when more economical or practicable, whether or not the remainder of the printing is done in-house. A bidder may subcontract for binding and still be considered a qualified bidder or offeror, notwithstanding 's. 287.012(10).

(2) All printing of publications that cost in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO and purchased by agencies shall be let upon contract to the lowest responsive bidder, who shall furnish all materials used in printing. Such contract shall specify a definite term and a definite number of copies.

(3) Except as otherwise provided for in this part, a contract for printing of a publication shall be subject to the provisions of 's. 287.062 and, when applicable, the definitions in s. 287.012, and shall be considered a commodity for that purpose.

(4) The provisions of s. 946.515(4) shall not apply to purchases of printing.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; s. 7, ch. 90-268; ss. 5, 44, ch. 90-335; s. 1, ch. 95-420.

1Note.—Renumbered as s. 287.012(13) by s. 11, ch. 90-268 and subsequently renumbered as s. 287.012(14) by s. 15, ch. 92-98, and by s. 107, ch. 92-142.

2Note.—Repealed by s. 33, ch. 90-268.

283.34 State officers not to have interests in printing contract.—

No member of the Legislature or other officer of this state may have an interest, directly or indirectly, in any printing contract as provided for in s. 283.33; however, nothing in this section prohibits a member of the Legislature from receiving such a contract when the member or his or her firm is the lowest bidder of all bidders submitting competitive bids for the contract.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 6, 44, ch. 90-335; s. 200, ch. 95-148.

283.35 Preference given printing within the state.

Every agency shall give preference to bidders located within the state when awarding contracts to have materials printed, whenever such printing can be done at no greater expense than the expense of awarding a contract to a bidder located outside the state and can be done at a level of quality comparable to that obtainable from a bidder located outside the state.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 7, 44, ch. 90-335.

283.425 Acceptance for printing; penalty for defective printing.—

No printing may be accepted as in com-

pliance with the contract when the printing is not of the grade of workmanship which is usually employed by professional printers on printing of such class, or when the printing is not of the full quantity or acceptable quality for which it has been contracted. If immediate necessity and lack of time to procure printing elsewhere compel the use of defective printing furnished by a contractor, it shall be accepted without approval, and one-half of the contract price thereon shall be deducted as liquidated damages for breach of contract. The agency which contracted for printing shall notify the contractor within a reasonable time after delivery of said printing as to acceptance or nonacceptance, and such reasonable time shall be specified in the contract. The contract shall also provide that a contractor has a reasonable time to correct any defects if delivery is made by a date specified in the contract, unless such a provision is not practicable because of time constraints.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 8, 44, ch. 90-335.

283.43 Public information printing services.—Any agency the authorized functions of which include public information programs is authorized to purchase, pursuant to this part and subject to its appropriation and any other limitations imposed by law, typesetting, printing, and media distribution services, when the purchase of such services would be less costly than the performance of the same services directly by the agency or when such services are beyond the production limitations established by agency guidelines.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 9, 44, ch. 90-335.

283.55 Purging of publication mailing lists.—

(1) By March 1 of each odd-numbered year, every agency shall survey the addresses on each of its publication mailing lists by providing each addressee the following form:

(Name of publication)

Do you wish to continue receiving this publication?

Yes _____ No _____

Should your response to this survey not be received by April 30, your name will be automatically purged from our mailing list.

Those addressees who respond shall be maintained or removed from such mailing list in accordance with the responses. Those addressees not responding by April 30 of such odd-numbered year shall be automatically purged from such mailing list. Agencies are prohibited from supplying addressees with postpaid response forms.

(2) The provisions of this section apply to any agency, except a state university or an agency the mailing list of which consists only of those persons registered with or licensed by the agency and the registration or license fee of which includes payment by the registrants or licensees as subscribers for the publication of the agency.

History.—ss. 1, 6, ch. 83-252; s. 63, ch. 86-163; s. 4, ch. 88-32; s. 20, ch. 89-381; ss. 10, 44, ch. 90-335.

283.56 Preparation of agency publications.—

When economical and practicable, any publication produced

for public distribution shall display the name of such publication on its spine, where such spine is glued to the cover and measures at least one-quarter inch in width.

History.—s. 11, ch. 90-335.

283.58 Agency agreements with vendors for private publication of public information materials; free distribution to public.—

(1) An agency may enter into agreements to secure the private publication of public information brochures, pamphlets, audiotapes, videotapes, and related materials for distribution without charge to the public and, in furtherance thereof, is authorized to:

(a) Enter into agreements with private vendors for the publication or production of such public information materials, by which the costs of publication or production will be borne in whole or in part by the vendor or the vendor agrees to provide additional compensation in return for the right of the vendor to select, sell, and place advertising that publicizes products or services related to and harmonious with the subject matter of the publication.

(b) Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.

(2) Any public information materials produced pursuant to this section and containing advertising of any kind must include a statement providing that the inclusion of advertising in such material does not constitute an endorsement by the state or the agency of the products or services so advertised.

History.—s. 26, ch. 90-335.

Note.—Also published at s. 283.71.

PART II

LEGISLATIVE AGENCY PRINTING

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- 283.69 Preference given printing within the state.
- 283.70 Acceptance for printing; penalty for defective printing.
- 283.71 Agency agreements with vendors for private publication of public information materials; free distribution to public.

283.60 Definitions.—As used in this part:

(1) "Committee" means the Joint Legislative Management Committee of the Florida Legislature created by s. 11.147.

(2) "Duplicating" means the process of reproducing an image or images from an original to a final substrate through the electrophotographic, xerographic, laser, or offset process, or any combination of these processes, by which an operator can make more than one copy without rehandling the original.

(3) "Legislative agency" means any office, commission, council, division, or committee within the legislative branch of state government.

(4) "Printing" is the transfer of an image or images by the use of ink or similar substance from an original image to the final substrate through the process of letterpress, offset lithography, gravure, screen printing, or engraving. As used in this part, printing shall include the process of and the materials used in binding and shall be classified as legislative printing. Printing shall also include duplicating when used to produce a publication. Legislative printing shall include, but not be restricted to, the journal and the calendar for the Senate, the journal and the calendar for the House of Representatives, the bills for the Senate and the House of Representatives, the bound journals for the Senate and the House of Representatives, the pamphlet laws, the general acts, the special acts, the Florida Statutes, the reports of the Auditor General, and any such items of printing or duplicating which any legislative agency from time to time may require.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 14, 44, ch. 90-335.

Note.—Former s. 283.36.

283.61 Notice requirements when calling for bids.

A legislative agency shall give reasonable notice of not less than 30 days, by publication in one or more newspapers in the state, of the calling for bids on legislative printing costing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE. Persons wishing to receive notice of the calling for bids for procurements which are equal to or less than the threshold amount provided in s. 287.017 for CATEGORY FIVE shall register with the legislative agency and receive such notice by mail.

History.—ss. 1, 6, ch. 83-252; s. 2, ch. 86-204; s. 4, ch. 88-32; ss. 15, 44, ch. 90-335.

Note.—Former s. 283.37.

283.62 Bid awards; separate and combined; deposit required with a bid.—

(1) A legislative agency shall enter into all contracts for legislative printing costing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE.

(2) Each bid for contract or contracts for legislative printing costing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE shall be made separate and upon a unit bid price for each item to be contracted for or shall be made upon a combined bid price for more than one item or on all items to be contracted for by a legislative agency. In the event the combined bid price is lower than the total of the lowest separate unit bid prices for each item, the combined bid price shall be accepted by the legislative agency, in accordance with this chapter.

(3) Publications may be printed and prepared in-house, by another agency, or purchased on bid, whichever is more economical and practicable as determined

by the agency. An agency may contract for binding separately when more economical or practicable, whether or not the remainder of the printing is done in-house. A bidder may subcontract for binding and still be considered a qualified bidder or offeror, notwithstanding s. 287.012(14).

(4) The President of the Senate and the Speaker of the House of Representatives have authority to contract for the printing of the rule books required for the Senate and for the House of Representatives, respectively, and they shall not be required to receive bids thereon; but each shall be able to contract for the printing of the respective house rule book without receiving competitive bids.

(5) Each bid for legislative printing costing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE shall be accompanied by a certified check, in an amount to be fixed by the legislative agency but not less than \$500, to evidence the good faith of the bidder.

History.—ss. 1, 6, ch. 83-252; s. 67, ch. 85-80; s. 4, ch. 88-32; ss. 16, 44, ch. 90-335; s. 4, ch. 92-207; s. 18, ch. 95-143.

Note.—Former s. 283.38.

283.63 Printing of Florida Statutes; award of bid; posting of bond for such printing.—

(1) A contract for printing of any volume of the Florida Statutes shall only be awarded to the lowest and best responsible bidder who is equipped and qualified to do such printing upon bids submitted pursuant to not less than 30 days' notice thereof in one or more newspapers published in this state as defined by chapter 50.

(2) The successful bidder shall be required to post a good and sufficient bond, in such sum as the committee may fix, to guarantee the prompt and faithful performance of the obligations under the bid and contract made pursuant thereto.

(3) The contract for printing shall contain a provision that only the number of copies specified therein will be printed and that all copies printed will be delivered to the committee.

(4) The contract may contain such other provisions as may be deemed necessary or proper by the committee to ensure prompt, speedy, and efficient execution of such printing.

(5) Publication of notices of intention to award contracts for any service other than the printing of Florida Statutes is not required.

History.—s. 17, ch. 90-335.

283.64 Printing of general and special acts; republication of such acts.—

(1) The committee shall cause to be printed in pamphlet form a sufficient number of copies of any general act of the Legislature to supply any agency, such copies to be delivered to, kept, and retained in the office of the Department of State until distributed as provided in s. 15.155.

(2) The committee shall furnish the contractor with copy for printing and binding the General Acts and the Special Acts in separate volumes broken down into as many books as may be necessary, with a general alphabetical index to each.

(3) The contractor shall complete and deliver to the committee for distribution as specified in s. 11.247 such number of copies of the session laws as are required and ordered.

(4) The committee has the authority, in the event of sufficient requests for sales, to provide for the republication of the general session laws of the Legislature, when copies of such laws on hand and available for sale have been exhausted, and to sell such republished laws at a price to be fixed by the committee and sufficient to cover the cost of printing.

History.—s. 18, ch. 90-335.

283.65 Term of new contract.—Upon the expiration of any contract or contracts now in force for legislative printing costing in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE, a legislative agency shall enter into a new contract or contracts, or extend the existing contract or contracts, for the portion of such printing it determines to let to contract; and such contract or contracts may be made by the legislative agency hereafter for a maximum period of 2 years.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 19, 44, ch. 90-335.

Note.—Former s. 283.39.

283.66 Statements under oath may be required to be filed by the bidder.—A legislative agency, when considering any bids submitted for legislative printing, may require any bidder to submit a statement under oath that:

(1) Such bidder is at the time of making such bid fully and completely able to perform such contract; and

(2) Such bidder is, at the time of submitting the bid actually in the bidder's name, the owner of a printing plant and is in good faith operating such printing plant in the current operation of a printing business.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 20, 44, ch. 90-335.

Note.—Former s. 283.40.

283.67 False statements; forfeit of deposit as liquidated damages.—If any bidder for any contract for legislative printing makes, in the statement under oath required by s. 283.66, false statements concerning any of the information required to be furnished under s. 283.66, the certified check by such bidder submitted with his or her bid shall be forfeited as liquidated damages.

History.—ss. 1, 6, ch. 83-252; s. 4, ch. 88-32; ss. 21, 44, ch. 90-335; s. 201, ch. 95-148.

Note.—Former s. 283.41.

283.68 State officers not to have interests in printing contract.—No member of the Legislature or other officer of this state may have an interest, directly or indirectly, in any printing contract as provided for in s. 283.62; however, nothing in this section prohibits a member of the Legislature from receiving such a contract when the member or his or her firm is the lowest bidder of all bidders submitting competitive bids for the contract.

History.—s. 22, ch. 90-335; s. 202, ch. 95-148.

283.69 Preference given printing within the state. Every legislative agency shall give preference to bidders located within the state when awarding contracts to have materials printed, whenever such printing can be

done at no greater expense than the expense of awarding a contract to a bidder located outside the state and can be done at a level of quality comparable to that obtainable from a bidder located outside the state.

History.—s. 23, ch. 90-335.

283.70 Acceptance for printing; penalty for defective printing.—No printing may be accepted as in compliance with the contract when the printing is not of the grade of workmanship which is usually employed by professional printers, or when the printing is not of the full quantity or acceptable quality for which it has been contracted. If immediate necessity and lack of time to procure printing elsewhere compel the use of defective printing furnished by a contractor, it shall be accepted without approval, and one-half of the contract price thereon shall be deducted as liquidated damages for breach of contract. The legislative agency which contracted for printing shall notify the contractor within a reasonable time after delivery of said printing as to acceptance or nonacceptance, and such reasonable time shall be specified in the contract. The contract shall also provide that a contractor has a reasonable time to correct any defects if delivery is made by a date specified in the contract, unless such a provision is not practicable because of time constraints.

History.—s. 24, ch. 90-335.

283.71 Agency agreements with vendors for private publication of public information materials; free distribution to public.—

(1) An agency may enter into agreements to secure the private publication of public information brochures, pamphlets, audiotapes, videotapes, and related materials for distribution without charge to the public and, in furtherance thereof, is authorized to:

(a) Enter into agreements with private vendors for the publication or production of such public information materials, by which the costs of publication or production will be borne in whole or in part by the vendor or the vendor agrees to provide additional compensation in return for the right of the vendor to select, sell, and place advertising that publicizes products or services related to and harmonious with the subject matter of the publication.

(b) Retain the right, by agreement, to approve all elements of any advertising placed in such public information materials, including the form and content thereof.

(2) Any public information materials produced pursuant to this section and containing advertising of any kind must include a statement providing that the inclusion of advertising in such material does not constitute an endorsement by the state or the agency of the products or services so advertised.

History.—s. 26, ch. 90-335.

Note.—Also published at s. 283.58.