

RESOLUTION NO. 44-2010

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, RELATING TO BID PREFERENCES AS PROVIDED FOR IN SENATE BILL 1924 AND HOUSE BILL 899; MAKING FINDINGS; RECOMMENDING DISAPPROVAL OF THE LEGISLATION; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

**WHEREAS**, Senate Bill 1924 and House Bill 899 are identical measures which provide for legislation amending Section 287.084, Florida Statutes, relating to bid preferences;

**WHEREAS**, pursuant to Florida law, a municipality is required to grant a bid preference to a Florida business over certain out of state business;

**WHEREAS**, the proposed legislation specifically provides that it shall supersede any municipal ordinance which grants a preference to a local "in town" bidder based upon a bidder maintaining a local business office or a local principal place of business within the municipality seeking bids;

**WHEREAS**, the Town Council of Malabar finds that the bill constitutes another infringement on the right of municipal home rule and will supersede local efforts to preserve local businesses during difficult economic times;

**WHEREAS**, the Town Council of Malabar finds this type of policy is not in the public interest,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MALABAR that:**

**SECTION 1.** Senate Bill-1924 and House Bill 899 should be disapproved. The legislation is contrary to notions of protecting local businesses and constitutes a usurpation of the people's right of home rule.

**SECTION 2.** The Town Clerk is directed to forward copies of this resolution to the Brevard County Legislative Delegation, Senator Stephen Wise and State Representatives John Tobia, Scott Plakon, Darren Soto, and Charles Van Zant, and to all Brevard municipalities.

**SECTION 3.** This Resolution shall become effective immediately upon its adoption.

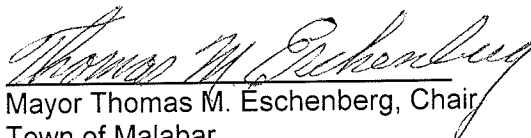
This Resolution was moved for adoption by Council Member Rivet. This motion was seconded by Council Member Borton and, upon being put to vote, the vote

was as follows:

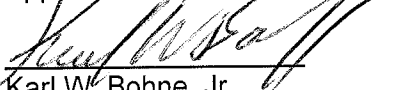
Council Member Nancy Borton  
Council Member Brian Vail  
Council Member Steven (Steve) Rivet  
Council Member Jeffrey (Jeff) McKnight  
Council Member Marisa Acquaviva

Aye  
Aye  
Aye  
Aye  
Aye

This Resolution was then declared to be duly passed and adopted this 19<sup>th</sup> day of April, 2010.

By:   
Mayor Thomas M. Eschenberg, Chair  
Town of Malabar

Approved as to form and content:

  
Karl W. Bohne, Jr.  
Town Attorney

ATTEST:

  
Debby K. Franklin  
Town Clerk/Treasurer

(seal)