

Consultants' Competitive Negotiation Act

Number: AGO 91-96

Date: August 22, 1996

Subject: Consultants' Competitive Negotiation Act

The Honorable Carol Hanson
Representative, District 87

RE: COUNTIES—CHILD CARE—FAMILY DAY CARE HOMES—OCCUPATIONAL
LICENSE—ZONING—limitation on special fees imposed on family day care homes limited to fees
imposed in connection with zoning regulations. s. 287.055, F.S. (1990 Supp.).

QUESTION:

Are property appraisers subject to s. 287.055, F.S. (1990 Supp.), the Consultants' Competitive
Negotiation Act, in procuring professional services?

SUMMARY:

Property appraisers, as county officers, are subject to s. 287.055, F.S. (1990 Supp.), when
procuring professional services enumerated therein.

Section 287.055, F.S. (1990 Sup.), requires an "agency" to publicly announce each time when
professional services[1] are required to be purchased for a project the cost of which exceeds a
specified amount[2] and to competitively select from no less than three firms the most qualified
to perform the required services.[3] For purposes of this section, "agency" is defined as "the
state or a state agency, municipality, or *political subdivision*, a school district or a school
board." [4] (e.s.) The term "political subdivision" includes counties[5] and, therefore, would
include county officers such as the property appraiser.[6]

This office, in AGO 88-31, addressed whether a county supervisor of elections is subject to the
competitive bidding requirements of ss. 287,001-287.052, F.S., the State Purchasing Law. It was
concluded that the supervisor of elections was not an "agency"[7] for purposes of Part I, ch. 287,
F.S., with the exception of s. 287.055, F.S., the Consultants' Competitive Negotiation Act. The
opinion implicitly recognizes that county officers such as a supervisor of elections and a property
appraiser are subject to s. 287.055, F.S.[8]

In light of the definition of "agency" contained in s. 287.055, F.S. (1990 Supp.), which would
include counties of this state, a property appraiser with the power or authority to contract for
professional services enumerated in that section, would be subject to the requirements therein.

Sincerely,

Robert A. Butterworth
Attorney General

[1] Section 287.055(2)(a), F.S. (1990 Supp.), defines "[p]rofessional services" as

"those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his professional employment or practice."

[2] Section 287.055(3)(a), F.S. (1990 Supp.).

[3] Section 287.055(4), F.S. (1990 Supp.).

[4] Section 287.055(2)(b), F.S. (1990 Supp.).

[5] See s. 1.01(8), F.S. (1990 Supp.), defining the words "public body," "body politic," or "political subdivision" to include "counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts and all other districts in this state." *And* see s. 1(a), Art. VIII, State Const., stating that "[t]he state shall be divided by law into political subdivisions called counties."

[6] See s. 1(d), State Const., providing for "county officers," including a property appraiser, who shall be elected by the electors of each county, for terms of four years.

[7] Section 287.012(1), F.S., for purposes of Part I, Ch. 287, F.S., defines "agency " to mean "any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government."

[8] See *a/so* AGO 78-19, in which this office concluded that a county housing authority with the power or duty to contract for professional services as set forth in s. 287.055, F.S., is an agency for purposes of that section.