

By Senator Justice

16-01017-10

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1 A bill to be entitled
2 An act relating to public works projects; creating the
3 "Florida Reemployment Investment Act"; requiring each
4 state agency and private sector contractor performing
5 services for a state or local government public works
6 project being funded by state or federal funds and
7 administered by a state agency to verify that 100
8 percent of the onsite employees and independent
9 contractors are state residents; providing for an
10 exception; providing for retroactive effect and a
11 period for compliance for projects begun on or after a
12 specified date; requiring the Agency for Workforce
13 Innovation to verify that 100 percent of the employees
14 and independent contractors at each public works job
15 site are residents of this state, or that the state
16 agency or private sector contractor made a good faith
17 effort to employ Florida residents before the state
18 agency or private sector contractor sought to employ
19 persons who are not residents of this state; providing
20 a civil penalty for noncompliance or bad faith
21 circumvention of the act; defining terms; requiring
22 the Agency for Workforce Innovation to adopt rules;
23 providing an effective date.

24
25 WHEREAS, the State of Florida has suffered unemployment
26 levels that have exceeded 10 percent, and

27 WHEREAS, the state has an interest in reemploying
28 unemployed residents to lessen the state's unemployment
29 compensation burden to employers, and

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30 WHEREAS, the state has a compelling interest in reemploying
31 its residents to lessen the need for government services, NOW,
32 THEREFORE,

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

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36 Section 1. (1) This act may be cited as the "Florida
37 Reemployment Investment Act."

38 (2) (a) Each state agency or private sector contractor
39 performing services for a state or local government public works
40 project being funded by state or federal funds and administered
41 by a state agency shall verify that 100 percent of the onsite
42 employees and independent contractors are residents of this
43 state or that the state agency and private sector contractor
44 made a good faith effort to employ Florida residents before the
45 state agency or private sector contractor sought to employ
46 persons who are not residents of this state.

47 (b) Paragraph (a) applies to any public works project that
48 commenced on or after July 1, 2009, but on or before July 1,
49 2012.

50 (c) A state agency or private sector contractor governed by
51 this section shall comply with paragraph (a) by October 1, 2010,
52 or 60 days after commencement of the project, whichever occurs
53 first.

54 (3) The Agency for Workforce Innovation shall verify that:

55 (a) One-hundred percent of the employees and independent
56 contractors at each public works job site are residents of this
57 state; or

58 (b) That the state agency or private sector contractor made

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59 a good faith effort to employ Florida residents before the state
60 agency or private sector contractor sought to employ persons who
61 are not residents of this state.

62 (4) A private sector contractor who fails to comply with
63 this section, or attempts in bad faith to circumvent the
64 requirements of this section, is liable for a civil penalty up
65 to \$5,000 for each violation of this section. Each day is a
66 separate violation.

67 (5) For purposes of this section, the term:

68 (a) "Commencement of a project" means the first day that
69 physical construction begins at the job site of the public works
70 project.

71 (b) "Resident of this state" or "Florida resident" means a
72 person who has a valid Florida driver's license, has a valid
73 Florida identification card, or has declared his or her
74 homestead property in this state for at least 1 year before the
75 date of commencement of the project.

76 (6) The Agency for Workforce Innovation shall adopt rules
77 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
78 administer this section.

79 Section 2. This act shall take effect July 1, 2010.