

By the Committee on Community Affairs; and Senator Perry

578-02150A-17

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1 A bill to be entitled
 2 An act relating to public works projects; creating s.
 3 255.0992, F.S.; providing definitions; prohibiting the
 4 state and political subdivisions that contract for
 5 public works projects from imposing restrictive
 6 conditions on certain contractors, subcontractors, or
 7 material suppliers or carriers; prohibiting the state
 8 and political subdivisions from restricting qualified
 9 bidders from submitting bids or being awarded
 10 contracts; providing an exception; providing
 11 applicability; providing an effective date.

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

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 15 Section 1. Section 255.0992, Florida Statutes, is created
 16 to read:

17 255.0992 Public works projects; prohibited governmental
 18 actions.—

19 (1) As used in this section, the term:

20 (a) "Political subdivision" means a separate agency or unit
 21 of local government created or established by law or ordinance
 22 and the officers thereof. The term includes, but is not limited
 23 to, a county; a city, town, or other municipality; or a
 24 department, commission, authority, school district, taxing
 25 district, water management district, board, public corporation,
 26 institution of higher education, or other public agency or body
 27 thereof authorized to expend public funds for construction,
 28 maintenance, repair, or improvement of public works.

29 (b) "Public works project" means an activity of which 50

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30 percent or more of the cost will be paid from state-appropriated
31 funds that were appropriated at the time of the competitive
32 solicitation and which consists of the construction,
33 maintenance, repair, renovation, remodeling, or improvement of a
34 building, road, street, sewer, storm drain, water system, site
35 development, irrigation system, reclamation project, gas or
36 electrical distribution system, gas or electrical substation, or
37 other facility, project, or portion thereof that is owned in
38 whole or in part by any political subdivision.

39 (2) (a) Except as required by federal or state law, the
40 state or any political subdivision that contracts for a public
41 works project may not require that a contractor, subcontractor,
42 or material supplier or carrier engaged in such project:

43 1. Pay employees a predetermined amount of wages or
44 prescribe any wage rate;

45 2. Provide employees a specified type, amount, or rate of
46 employee benefits;

47 3. Control, limit, or expand staffing; or

48 4. Recruit, train, or hire employees from a designated,
49 restricted, or single source.

50 (b) The state or any political subdivision that contracts
51 for a public works project may not prohibit any contractor,
52 subcontractor, or material supplier or carrier able to perform
53 such work who is qualified, licensed, or certified as required
54 by state law to perform such work from submitting a bid on the
55 public works project or being awarded any contract, subcontract,
56 material order, or carrying order. This paragraph does not apply
57 to vendors listed pursuant to s. 287.133 or s. 287.134.

58 (3) This section does not apply to contracts executed under

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59 chapter 337.

60 Section 2. This act shall take effect July 1, 2017.