

By the Committees on Governmental Oversight and Accountability;
and Community Affairs; and Senator Perry

585-02725-17

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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; providing applicability;
10 providing an effective date.

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

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

16 255.0992 Public works projects; prohibited governmental
17 actions.-

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

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

28 (b) "Public works project" means an activity of which 50
29 percent or more of the cost will be paid from state-appropriated

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

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

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

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

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

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

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

56 (3) This section does not apply to contracts executed under
57 chapter 337.

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