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CS/CS/HB 599

2017 Legislature

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An act relating to public works projects; creating s. 255.0992, F.S.; providing definitions; prohibiting the state and political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers; prohibiting the state and political subdivisions from restricting qualified bidders from submitting bids; providing applicability; providing an effective date.

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

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

255.0992 Public works projects; prohibited governmental actions.-

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

(a) "Political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body

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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
 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,

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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 under ss. 287.133 and 287.134.

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

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