



635516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2021	.	
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The Committee on Governmental Oversight and Accountability  
(Brodeur) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 22 - 80

and insert:

services paid for with funding that is state-appropriated or  
locally appropriated ~~in which 50 percent or more of the cost~~  
~~will be paid from state-appropriated funds which have been~~  
~~appropriated at the time of the competitive solicitation, a~~  
state college, county, municipality, school district, or other  
political subdivision of the state may not use a local ordinance



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11 or regulation that provides a preference based upon:

12 (a) The contractor's maintaining an office or place of  
13 business within a particular local jurisdiction;

14 (b) The contractor's hiring employees or subcontractors  
15 from within a particular local jurisdiction; or

16 (c) The contractor's prior payment of local taxes,  
17 assessments, or duties within a particular local jurisdiction.

18 (4) Except as provided in subsection (2), this section does  
19 not prevent a state college, county, municipality, school  
20 district, or other political subdivision of the state from:

21 (a) Awarding a contract to a contractor in accordance with  
22 applicable state laws or local ordinances or regulations; or

23 (b) Offering any incentive or awarding any point preference  
24 to a contractor in the bidding process for a contract for  
25 construction services, so long as acceptance of any such  
26 incentive or preference does not impose any fine, penalty, or  
27 other sanction on a contractor.

28 Section 2. Paragraph (b) of subsection (1) and subsections  
29 (2) and (3) of section 255.0992, Florida Statutes, are amended  
30 to read:

31 255.0992 Public works projects; prohibited governmental  
32 actions.—

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

34 (b) "Public works project" means an activity ~~of which 50~~  
35 ~~percent or more of the cost will be paid for with from~~ state-  
36 appropriated or locally appropriated funds that were  
37 ~~appropriated at the time of the competitive solicitation and~~  
38 which consists of the construction, maintenance, repair,  
39 renovation, remodeling, or improvement of a building, road,



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40 street, sewer, storm drain, water system, site development,  
41 irrigation system, reclamation project, gas or electrical  
42 distribution system, gas or electrical substation, or other  
43 facility, project, or portion thereof that is owned in whole or  
44 in part by any political subdivision.

45 (2) ~~(a)~~ Except as required by federal or state law, the  
46 state or any political subdivision that contracts for a public  
47 works project may not take the following actions:

48 (a) Grant a preference or impose a penalty during the  
49 bidding process based on the geographic location of the company  
50 headquarters or offices of the contractor, subcontractor, or  
51 material supplier or carrier submitting a bid on a public works  
52 project or the residences of employees of such contractor,  
53 subcontractor, or material supplier or carrier.

54 (b) Require that a contractor, subcontractor, or material  
55 supplier or carrier engaged in a public works ~~such~~ project:

- 56 1. Pay employees a predetermined amount of wages or  
57 prescribe any wage rate;
- 58 2. Provide employees a specified type, amount, or rate of  
59 employee benefits;
- 60 3. Control, limit, or expand staffing; ~~or~~
- 61 4. Recruit, ~~train,~~ or hire employees from a designated,  
62 restricted, or single source; or
- 63 5. Train employees in designated programs with a restricted  
64 curriculum or from a single source.

65 ~~(c) (b) The state or any political subdivision that~~  
66 ~~contracts for a public works project may not~~ Prohibit any  
67 contractor, subcontractor, or material supplier or carrier able  
68 to perform such work that ~~who~~ is qualified, licensed, or



69 certified as required by state or local law to perform such work  
70 from receiving information about public works opportunities or  
71 from submitting a bid on the public works project. This  
72 paragraph does not apply to vendors listed under ss. 287.133 and  
73 287.134.

74 (3) This section does not:  
75 (a) Apply to contracts executed under chapter 337; or  
76 (b) Prevent the state or a political subdivision from  
77 offering any incentive or awarding any point preference in the  
78 bidding process which are not prohibited under this section so  
79 long as acceptance of any such incentive or preference does not  
80 impose a fine, a penalty, or another sanction on the bidder.

81  
82 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

83 And the directory clause is amended as follows:

84 Delete lines 17 - 18

85 and insert:

86 Section 1. Subsections (2) and (4) of section 255.0991,  
87 Florida Statutes, are amended to read:

88  
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 5 - 12

92 and insert:

93 state or locally appropriated funds; providing  
94 construction; amending s. 255.0992, F.S.; revising the  
95 definition of the term "public works project";  
96 prohibiting the state or any political subdivision  
97 that contracts for a public works project from taking



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98 specified action against certain persons that are  
99 engaged in a public works project or have submitted a  
100 bid for such a project; providing construction;  
101 providing an