



801090

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2021	.	
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The Committee on Community Affairs (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 97

and insert:

Section 1. Subsection (2) of section 255.0991, Florida Statutes, is amended to read:

255.0991 Contracts for construction services; prohibited local government preferences.—

(2) For any a competitive solicitation for construction services paid for with ~~in which 50 percent or more of the cost~~



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11 ~~will be paid from~~ state-appropriated funds ~~which have been~~  
12 ~~appropriated at the time of the competitive solicitation,~~ a  
13 state college, county, municipality, school district, or other  
14 political subdivision of the state may not use a local ordinance  
15 or regulation that imposes a penalty ~~provides a preference~~ based  
16 upon:

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

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

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

23 Section 2. Paragraph (b) of subsection (1) and subsection  
24 (2) of section 255.0992, Florida Statutes, are amended to read:

25 255.0992 Public works projects; prohibited governmental  
26 actions.—

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

28 (b) "Public works project" means an activity exceeding  
29 \$300,000 in value which is of which 50 percent or more of the  
30 ~~cost will be paid for with any from~~ state-appropriated funds  
31 ~~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



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40 state or any political subdivision that contracts for a public  
41 works project may not take the following actions:

42 (a) Impose a penalty during the bidding process based on  
43 the geographic location of the company headquarters or offices  
44 of the contractor, subcontractor, or material supplier or  
45 carrier submitting a bid on a public works project or the  
46 residences of employees of such contractor, subcontractor, or  
47 material supplier or carrier.

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

50 1. Pay employees a predetermined amount of wages or  
51 prescribe any wage rate;

52 2. Provide employees a specified type, amount, or rate of  
53 employee benefits;

54 3. Control, limit, or expand staffing; ~~or~~

55 4. Recruit, ~~train,~~ or hire employees from a designated,  
56 restricted, or single source; or

57 5. Train employees in designated programs with a restricted  
58 curriculum or from a single source.

59 ~~(c) (b) The state or any political subdivision that~~  
60 ~~contracts for a public works project may not~~ Prohibit any  
61 contractor, subcontractor, or material supplier or carrier able  
62 to perform such work which ~~who~~ is qualified, licensed, or  
63 certified as required by state or local law to perform such work  
64 from receiving information about public works opportunities or  
65 from submitting a bid on the public works project. This  
66 paragraph does not apply to vendors listed under ss. 287.133 and  
67 287.134.

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69 This section does not apply to a program authorized by s.  
70 212.055(1) which is approved by a majority vote of the  
71 electorate of the county or by a charter amendment approved by a  
72 majority vote of the electorate of the county.

73

74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 5 - 12

77 and insert:

78 state-appropriated funds; amending s. 255.0992, F.S.;

79 revising the definition of the term "public works

80 project"; prohibiting the state or any political

81 subdivision that contracts for a public works project

82 from taking specified action against certain entities

83 that are engaged in a public works project or have

84 submitted a bid for such a project; providing

85 applicability;