

By Senator Brodeur

9-00577B-21

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1 A bill to be entitled
2 An act relating to public works projects; amending s.
3 255.0991, F.S.; revising a prohibition relating to any
4 solicitation for construction services paid for with
5 state or locally appropriated funds, or any
6 combination thereof; amending s. 255.0992, F.S.;
7 revising the definition of the term "public works
8 project"; prohibiting the state or any political
9 subdivision that contracts for a public works project
10 from taking specified action against certain persons
11 that are engaged in a public works project or have
12 submitted a bid for such a project; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 255.0991 Contracts for construction services; prohibited
20 local government preferences.—

21 (2) For any ~~a~~ competitive solicitation for construction
22 services paid for with funding that is state-appropriated,
23 locally appropriated, or any combination thereof ~~in which 50~~
24 ~~percent or more of the cost will be paid from state-appropriated~~
25 ~~funds which have been appropriated at the time of the~~
26 ~~competitive solicitation,~~ a state college, county, municipality,
27 school district, or other political subdivision of the state may
28 not use a local ordinance or regulation that provides a
29 preference based upon:

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

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

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

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

38 255.0992 Public works projects; prohibited governmental
39 actions.-

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

41 (b) "Public works project" means an activity ~~of which 50~~
42 ~~percent or more of the cost will be paid for with from~~ state-
43 appropriated or locally appropriated funds, or any combination
44 thereof, that were appropriated at the time of the competitive
45 ~~solicitation~~ and which consists of the construction,
46 maintenance, repair, renovation, remodeling, or improvement of a
47 building, road, street, sewer, storm drain, water system, site
48 development, irrigation system, reclamation project, gas or
49 electrical distribution system, gas or electrical substation, or
50 other facility, project, or portion thereof that is owned in
51 whole or in part by any political subdivision.

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

55 (a) Grant a preference or impose a penalty during the
56 bidding process based on the geographic location of the company
57 headquarters or offices of the contractor, subcontractor, or
58 material supplier or carrier submitting a bid on a public works

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59 project or the residences of employees of such contractor,
60 subcontractor, or material supplier or carrier.

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

63 1. Pay employees a predetermined amount of wages or
64 prescribe any wage rate;

65 2. Provide employees a specified type, amount, or rate of
66 employee benefits;

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

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

70 5. Train employees in designated programs with a restricted
71 curriculum or from a single source.

72 ~~(c)(b) The state or any political subdivision that~~
73 ~~contracts for a public works project may not~~ Prohibit any
74 contractor, subcontractor, or material supplier or carrier able
75 to perform such work that ~~who~~ is qualified, licensed, or
76 certified as required by state or local law to perform such work
77 from receiving information about public works opportunities or
78 from submitting a bid on the public works project. This
79 paragraph does not apply to vendors listed under ss. 287.133 and
80 287.134.

81 Section 3. This act shall take effect July 1, 2021.

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