

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

578-03608-21

20211076c2

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-appropriated funds; amending s. 255.0992, F.S.;
6 revising the definition of the term "public works
7 project"; prohibiting the state or any political
8 subdivision that contracts for a public works project
9 from taking specified action against certain entities
10 that are engaged in a public works project or have
11 submitted a bid for such a project; providing
12 applicability; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (2) of section 255.0991, Florida
17 Statutes, is amended to read:

18 255.0991 Contracts for construction services; prohibited
19 local government preferences.—

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

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

578-03608-21

20211076c2

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

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

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

36 255.0992 Public works projects; prohibited governmental
37 actions.-

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

39 (b) "Public works project" means an activity exceeding
40 \$300,000 in value which is of which 50 percent or more of the
41 cost will be paid for with any from state-appropriated funds
42 that were appropriated at the time of the competitive
43 solicitation and which consists of the construction,
44 maintenance, repair, renovation, remodeling, or improvement of a
45 building, road, street, sewer, storm drain, water system, site
46 development, irrigation system, reclamation project, gas or
47 electrical distribution system, gas or electrical substation, or
48 other facility, project, or portion thereof that is owned in
49 whole or in part by any political subdivision.

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

53 (a) Impose a penalty during the bidding process based on
54 the geographic location of the company headquarters or offices
55 of the contractor, subcontractor, or material supplier or
56 carrier submitting a bid on a public works project or the
57 residences of employees of such contractor, subcontractor, or
58 material supplier or carrier.

578-03608-21

20211076c2

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

61 1. Pay employees a predetermined amount of wages or
62 prescribe any wage rate;

63 2. Provide employees a specified type, amount, or rate of
64 employee benefits;

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

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

68 5. Train employees in designated programs with a restricted
69 curriculum or from a single source.

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

79
80 This section does not apply to a program authorized by s.
81 212.055(1) which is approved by a majority vote of the
82 electorate of the county or by a charter amendment approved by a
83 majority vote of the electorate of the county.

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