

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

595-04521-21

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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-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 any ~~in which 50 percent or more of the~~
22 ~~cost 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 to prevent a certified, licensed, or registered
27 contractor, subcontractor, or material supplier or carrier from
28 participating in the bidding process ~~that provides a preference~~
29 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 exceeding \$1
 42 million in value which is ~~of which 50 percent or more of the~~
 43 ~~cost will be paid for with any from~~ state-appropriated funds
 44 ~~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) Prevent a certified, licensed, or registered
 56 contractor, subcontractor, or material supplier or carrier from
 57 participating in the bidding process based on the geographic
 58 location of the company headquarters or offices of the

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59 contractor, subcontractor, or material supplier or carrier
60 submitting a bid on a public works project or of the residence
61 of an employee of such contractor, subcontractor, or material
62 supplier or carrier.

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

65 1. Pay employees a predetermined amount of wages or
66 prescribe any wage rate;

67 2. Provide employees a specified type, amount, or rate of
68 employee benefits;

69 3. Control, Limit, or expand staffing; or

70 4. Recruit, train, or hire employees from a designated,
71 restricted, or 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 which ~~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
82 This section does not apply to a program authorized by s.
83 212.055(1) which is approved by a majority vote of the
84 electorate of the county or by a charter amendment approved by a
85 majority vote of the electorate of the county.

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