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2021 Legislature

1
2 An act relating to public works; amending s. 255.0991,
3 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 persons
10 that are engaged in a public works project or have
11 submitted a bid for such a project; providing
12 applicability; amending s. 403.928, F.S.; requiring
13 the Office of Economic and Demographic Research to
14 include an analysis of certain expenditures in its
15 annual assessment; creating s. 403.9301, F.S.;
16 providing definitions; requiring counties,
17 municipalities, and special districts that provide
18 wastewater services to develop a needs analysis that
19 includes certain information by a specified date;
20 requiring municipalities and special districts to
21 submit such analyses to a certain county; requiring
22 the county to file a compiled document with the
23 coordinator of the Office of Economic and Demographic
24 Research by a specified date; requiring the office to
25 evaluate the document and include an analysis in its

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26 annual assessment; providing applicability; creating
 27 s. 403.9302, F.S.; providing definitions; requiring
 28 counties, municipalities, and special districts that
 29 provide stormwater management to develop a needs
 30 analysis that includes certain information by a
 31 specified date; requiring municipalities and special
 32 districts to submit such analyses to a certain county;
 33 requiring the county to file a compiled document with
 34 the Secretary of Environmental Protection and the
 35 coordinator of the Office of Economic and Demographic
 36 Research by a specified date; requiring the office to
 37 evaluate the document and include an analysis in its
 38 annual assessment; providing applicability; providing
 39 a determination and declaration of important state
 40 interest; providing an effective date.

41

42 Be It Enacted by the Legislature of the State of Florida:

43

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

46 255.0991 Contracts for construction services; prohibited
 47 local government preferences.—

48 (2) For any a competitive solicitation for construction
 49 services paid for with any ~~in which 50 percent or more of the~~
 50 ~~cost will be paid from state-appropriated funds which have been~~

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51 ~~appropriated at the time of the competitive solicitation, a~~
 52 state college, county, municipality, school district, or other
 53 political subdivision of the state may not use a local ordinance
 54 or regulation to prevent a certified, licensed, or registered
 55 contractor, subcontractor, or material supplier or carrier, from
 56 participating in the bidding process ~~that provides a preference~~
 57 based upon:

- 58 (a) ~~The contractor's~~ Maintaining an office or place of
 59 business within a particular local jurisdiction;
- 60 (b) ~~The contractor's~~ Hiring employees or subcontractors
 61 from within a particular local jurisdiction; or
- 62 (c) ~~The contractor's~~ Prior payment of local taxes,
 63 assessments, or duties within a particular local jurisdiction.

64 Section 2. Paragraph (b) of subsection (1) and subsections
 65 (2) and (3) of section 255.0992, Florida Statutes, are amended
 66 to read:

67 255.0992 Public works projects; prohibited governmental
 68 actions.—

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

70 (b) "Public works project" means an activity exceeding \$1
 71 million in value that is ~~of which 50 percent or more of the cost~~
 72 ~~will be paid for with any from~~ state-appropriated funds that
 73 ~~were appropriated at the time of the competitive solicitation~~
 74 and which consists of the construction, maintenance, repair,
 75 renovation, remodeling, or improvement of a building, road,

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76 street, sewer, storm drain, water system, site development,
 77 irrigation system, reclamation project, gas or electrical
 78 distribution system, gas or electrical substation, or other
 79 facility, project, or portion thereof that is owned in whole or
 80 in part by any political subdivision.

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

84 (a) Prevent a certified, licensed, or registered
 85 contractor, subcontractor, or material supplier or carrier, from
 86 participating in the bidding process based on the geographic
 87 location of the company headquarters or offices of the
 88 contractor, subcontractor, or material supplier or carrier
 89 submitting a bid on a public works project or the residences of
 90 employees of such contractor, subcontractor, or material
 91 supplier or carrier.

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

- 94 1. Pay employees a predetermined amount of wages or
 95 prescribe any wage rate;
 96 2. Provide employees a specified type, amount, or rate of
 97 employee benefits;
 98 3. Control, limit, or expand staffing; or
 99 4. Recruit, train, or hire employees from a designated,
 100 restricted, or single source.

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101 (c)(b) ~~The state or any political subdivision that~~
 102 ~~contracts for a public works project may not~~ Prohibit any
 103 contractor, subcontractor, or material supplier or carrier able
 104 to perform such work that ~~who~~ is qualified, licensed, or
 105 certified as required by state or local law to perform such work
 106 from receiving information about public works opportunities or
 107 from submitting a bid on the public works project. This
 108 paragraph does not apply to vendors listed under ss. 287.133 and
 109 287.134.

110 (3) This section does not apply to the following:

111 (a) Contracts executed under chapter 337.

112 (b) A use authorized by s. 212.055(1) which is approved by
 113 a majority vote of the electorate of the county or by a charter
 114 amendment approved by a majority vote of the electorate of the
 115 county.

116 Section 3. Paragraph (e) is added to subsection (1) of
 117 section 403.928, Florida Statutes, to read:

118 403.928 Assessment of water resources and conservation
 119 lands.—The Office of Economic and Demographic Research shall
 120 conduct an annual assessment of Florida's water resources and
 121 conservation lands.

122 (1) WATER RESOURCES.—The assessment must include all of
 123 the following:

124 (e) Beginning with the assessment due January 1, 2022, an
 125 analysis of the expenditures necessary to repair, replace, and

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126 expand water-related infrastructure. As part of this analysis,
 127 the office shall periodically survey public and private
 128 utilities.

129 Section 4. Section 403.9301, Florida Statutes, is created
 130 to read:

131 403.9301 Wastewater services projections.-

132 (1) The Legislature intends for each county, municipality,
 133 or special district providing wastewater services to create a
 134 20-year needs analysis.

135 (2) As used in this section, the term:

136 (a) "Domestic wastewater" has the same meaning as provided
 137 in s. 367.021.

138 (b) "Facility" means any equipment, structure, or other
 139 property, including sewerage systems and treatment works, used
 140 to provide wastewater services.

141 (c) "Treatment works" has the same meaning as provided in
 142 s. 403.031(11).

143 (d) "Wastewater services" means service to a sewerage
 144 system, as defined in s. 403.031(9), or service to domestic
 145 wastewater treatment works.

146 (3) By June 30, 2022, and every 5 years thereafter, each
 147 county, municipality, or special district providing wastewater
 148 services shall develop a needs analysis for its jurisdiction
 149 over the subsequent 20 years. In projecting such needs, each
 150 local government shall include the following:

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- 151 (a) A detailed description of the facilities used to
 152 provide wastewater services.
- 153 (b) The number of current and projected connections and
 154 residents served calculated in 5-year increments.
- 155 (c) The current and projected service area for wastewater
 156 services.
- 157 (d) The current and projected cost of providing wastewater
 158 services calculated in 5-year increments.
- 159 (e) The estimated remaining useful life of each facility
 160 or its major components.
- 161 (f) The most recent 5-year history of annual contributions
 162 to, expenditures from, and balances of any capital account for
 163 maintenance or expansion of any facility or its major
 164 components.
- 165 (g) The local government's plan to fund the maintenance or
 166 expansion of any facility or its major components. The plan must
 167 include historical and estimated future revenues and
 168 expenditures with an evaluation of how the local government
 169 expects to close any projected funding gap.
- 170 (4) Upon completing the requirements of subsection (3),
 171 each municipality or special district shall submit its needs
 172 analysis, as well as the methodology and any supporting data
 173 necessary to interpret the results, to the county within which
 174 the largest portion of its service area is located. Each county
 175 shall compile all analyses submitted to it under this subsection

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176 into a single document and include its own analysis in the
 177 document. The county shall file the compiled document with the
 178 coordinator of the Office of Economic and Demographic Research
 179 no later than July 31, 2022, and every 5 years thereafter.

180 (5) The Office of Economic and Demographic Research shall
 181 evaluate the compiled documents from the counties for the
 182 purpose of developing a statewide analysis for inclusion in the
 183 assessment due January 1, 2023, pursuant to s. 403.928.

184 (6) This section applies to a rural area of opportunity as
 185 defined in s. 288.0656 unless the requirements of this section
 186 would create an undue economic hardship for the county,
 187 municipality, or special district in the rural area of
 188 opportunity.

189 Section 5. Section 403.9302, Florida Statutes, is created
 190 to read:

191 403.9302 Stormwater management projections.—

192 (1) The Legislature intends for each county, municipality,
 193 or special district providing a stormwater management program or
 194 stormwater management system to create a 20-year needs analysis.

195 (2) As used in this section, the term:

196 (a) "Facility" means any equipment, structure, or other
 197 property, including conveyance systems, used or useful in
 198 connection with providing a stormwater management program or
 199 stormwater management system.

200 (b) "Stormwater management program" has the same meaning

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201 as provided in s. 403.031(15).

202 (c) "Stormwater management system" has the same meaning as
 203 provided in s. 403.031(16).

204 (3) By June 30, 2022, and every 5 years thereafter, each
 205 county, municipality, or special district providing a stormwater
 206 management program or stormwater management system shall develop
 207 a needs analysis for its jurisdiction over the subsequent 20
 208 years. In projecting such needs, each local government shall
 209 include the following:

210 (a) A detailed description of the stormwater management
 211 program or stormwater management system and its facilities and
 212 projects.

213 (b) The number of current and projected residents served
 214 calculated in 5-year increments.

215 (c) The current and projected service area for the
 216 stormwater management program or stormwater management system.

217 (d) The current and projected cost of providing services
 218 calculated in 5-year increments.

219 (e) The estimated remaining useful life of each facility
 220 or its major components.

221 (f) The most recent 5-year history of annual contributions
 222 to, expenditures from, and balances of any capital account for
 223 maintenance or expansion of any facility or its major
 224 components.

225 (g) The local government's plan to fund the maintenance or

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226 expansion of any facility or its major components. The plan must
227 include historical and estimated future revenues and
228 expenditures with an evaluation of how the local government
229 expects to close any projected funding gap.

230 (4) Upon completing the requirements of subsection (3),
231 each municipality or special district shall submit its needs
232 analysis, as well as the methodology and any supporting data
233 necessary to interpret the results, to the county within which
234 the largest portion of its stormwater management program or
235 stormwater management system is located. Each county shall
236 compile all analyses submitted to it under this subsection into
237 a single document and include its own analysis in the document.
238 The county shall file the compiled document with the Secretary
239 of Environmental Protection and the coordinator of the Office of
240 Economic and Demographic Research no later than July 31, 2022,
241 and every 5 years thereafter.

242 (5) The Office of Economic and Demographic Research shall
243 evaluate the compiled documents from the counties for the
244 purpose of developing a statewide analysis for inclusion in the
245 assessment due January 1, 2023, pursuant to s. 403.928.

246 (6) This section applies to a rural area of opportunity as
247 defined in s. 288.0656 unless the requirements of this section
248 would create an undue economic hardship for the county,
249 municipality, or special district in the rural area of
250 opportunity.

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252 Section 6. The Legislature determines and declares that
253 this act fulfills an important state interest.

254 Section 7. This act shall take effect July 1, 2021.