

1 A bill to be entitled
 2 An act relating to United States-produced iron and
 3 steel in public works projects; creating s. 255.0993,
 4 F.S.; providing definitions; requiring governmental
 5 entities to include a requirement in certain contracts
 6 that certain iron or steel products must be produced
 7 in the United States; providing exceptions;
 8 authorizing the use of foreign steel and iron
 9 materials in certain circumstances; requiring the
 10 Department of Management Service and the Department of
 11 Transportation to adopt rules; providing a legislative
 12 finding and declaration of important state interest;
 13 providing construction; providing an effective date.

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

16
 17 Section 1. Section 255.0993, Florida Statutes, is created
 18 to read:

19 255.0993 Public works projects; United States-produced
 20 iron and steel products.-

21 (1) DEFINITIONS.-As used in this section, the term:

22 (a) "Governmental entity" means the state, or any office,
 23 board, bureau, commission, department, branch, division, or
 24 institution thereof, or a separate agency or unit of local
 25 government created or established by law or ordinance and the

26 officers thereof. The term includes, but is not limited to, a
27 county; a city, town, or other municipality; or a department,
28 commission, authority, school district, taxing district, water
29 management district, board, public corporation, institution of
30 higher education, or other public agency or body thereof
31 authorized to expend public funds for the construction,
32 maintenance, repair, renovation, remodeling, or improvement of
33 public works.

34 (b) "Iron or steel products" means products made primarily
35 of iron or steel, including, but not limited to, lined or
36 unlined pipes and fittings; bars and rods; wire, wire ropes and
37 link chains; forgings; grating and drainage products; access
38 covers, hatches, manhole covers and other castings; hydrants;
39 electric transmission and distribution poles; tanks; flanges;
40 pipe clamps and restraints; valves; structural steel and other
41 steel mill products; materials made primarily of iron and steel
42 within precast concrete; and other construction materials made
43 primarily of iron or steel.

44 (c) "Manufacturing process" means the application of a
45 process to alter the form or function of materials or elements
46 of a product in a manner that adds value and transforms the
47 materials or elements into a new finished product that is
48 functionally different from a finished product produced merely
49 from assembling materials or elements into a product without
50 applying such a process.

51 (d) "Produced in the United States" means, with respect to
 52 iron and steel, all manufacturing processes, from initial
 53 melting through application of coatings, occur in the United
 54 States, other than metallurgical processes to refine steel
 55 additives.

56 (e) "Public works project" means an activity that is paid
 57 for with any state-appropriated funds or state funds
 58 administered by the state and which consists of the
 59 construction, maintenance, repair, renovation, remodeling, or
 60 improvement of, a building, road, street, sewer, storm drain,
 61 water system, site development, irrigation system, reclamation
 62 project, gas or electrical distribution system, gas or
 63 electrical substation, or other facility, project, or portion
 64 thereof that is owned in whole or in part by any governmental
 65 entity.

66 (2) UNITED STATES-PRODUCED IRON AND STEEL REQUIREMENT.—

67 (a) Notwithstanding any other provision of law, a
 68 governmental entity entering into a contract for a public works
 69 project or for the purchase of materials for a public works
 70 project must include in the contract a requirement that any iron
 71 or steel product permanently incorporated in the project be
 72 produced in the United States.

73 (b) Paragraph (a) does not apply if the governmental
 74 entity administering the funds for a public works project or the
 75 purchase of materials for a public works project solely

76 determines that any of the following apply:

77 1. Iron or steel products produced in the United States
78 are not produced in sufficient quantities, reasonably available,
79 or of satisfactory quality;

80 2. The use of iron or steel products produced in the
81 United States will increase the total cost of the project by
82 more than 20 percent; or

83 3. Complying with paragraph (a) is inconsistent with the
84 public interest.

85 (c) When steel and iron materials are used in a public
86 works project, paragraph (a) does not prevent a minimal use of
87 foreign steel and iron materials, if:

88 1. Such materials are incidental or ancillary to the
89 primary product and are not separately identified in the project
90 specifications.

91 2. The cost of such materials does not exceed one-tenth of
92 one percent of the total contract cost or \$2,500, whichever is
93 greater. For purposes of this subparagraph, the cost of such
94 materials is that shown to be the value of the iron or steel
95 products as they are delivered to the project.

96 (d) Electrical components, equipment, systems, and
97 appurtenances, including supports, covers, shielding, and other
98 appurtenances related to an electrical system, necessary for
99 operation or concealment, except transmission and distribution
100 poles, are not considered iron or steel products and are exempt

CS/HB 619

2022

101 from the requirements of paragraph (a).

102 (3) INTERNATIONAL AGREEMENTS.—This section shall be
103 applied in a manner consistent with and may not be construed to
104 impair the state's obligations under any international
105 agreement.

106 (4) (a) Except as otherwise provided in this subsection,
107 the Department of Management Services shall develop guidelines
108 and procedures by rule to implement this section.

109 (b) The Department of Transportation shall develop
110 guidelines and procedures by rule to implement this section for
111 public works projects it administers.

112 Section 2. The Legislature determines and declares that
113 this act fulfills an important state interest.

114 Section 3. This act shall take effect July 1, 2022.