

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.

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

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 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 a governmental entity 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 determines

76 that:

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) Paragraph (a) does not prevent a minimal use of
 86 foreign steel and iron materials in a public works project if:

87 1. Such materials are incidental or ancillary to primary
 88 iron or steel products and are not separately identified in the
 89 project specifications.

90 2. The cost of such materials does not exceed 0.1 percent
 91 of the total contract cost or \$2,500, whichever is greater. For
 92 purposes of this subparagraph, the cost of such materials is
 93 that shown to be the value of the iron or steel products as they
 94 are delivered to the project.

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

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

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

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

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, 2023.