

By the Committee on Governmental Oversight and Accountability;  
and Senators Boyd and Rodriguez

585-02602-23

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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.; defining terms; requiring governmental entities  
5 to include a requirement in certain contracts that  
6 certain iron or steel products be produced in the  
7 United States; providing exceptions; authorizing the  
8 use of foreign steel and iron materials in certain  
9 circumstances; exempting specified products from the  
10 requirement; providing construction; requiring the  
11 Department of Management Services and the Department  
12 of Transportation to adopt rules for specified  
13 purposes; providing a declaration of important state  
14 interest; providing an effective date.

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

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

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

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

23 (a) "Governmental entity" means the state, or any office,  
24 board, bureau, commission, department, branch, division, or  
25 institution thereof, or a separate agency or unit of local  
26 government created or established by law or ordinance and the  
27 officers thereof. The term includes, but is not limited to, a  
28 county; a city, a town, or other municipality; or a department,  
29 a commission, an authority, a school district, a taxing

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30 district, a water management district, a board, a public  
31 corporation, an institution of higher education, or other public  
32 agency or body thereof authorized to expend public funds for the  
33 construction, maintenance, repair, renovation, remodeling, or  
34 improvement of public works.

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

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

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

57 (e) "Public works project" means an activity paid for with  
58 any state-appropriated funds or state funds administered by a

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59 governmental entity, which consists of the construction,  
60 maintenance, repair, renovation, remodeling, or improvement of a  
61 building, road, street, sewer, storm drain, water system, site  
62 development, irrigation system, reclamation project, gas or  
63 electrical distribution system, gas or electrical substation, or  
64 other facility, project, or portion thereof owned in whole or in  
65 part by any governmental entity.

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

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

73 (b) Paragraph (a) does not apply if the governmental entity  
74 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 applies:

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

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

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:

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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 1 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  
101 from the requirements of paragraph (a).

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

105 (4) RULEMAKING.—

106 (a) Except as otherwise provided in this subsection, the  
107 Department of Management Services shall develop guidelines and  
108 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, 2023.