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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/18/2023	.	
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The Committee on Rules (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 277 and 278

insert:

Section 8. Section 255.0993, Florida Statutes, is created  
to read:

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

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

(a) "Governmental entity" means the state, or any office,



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11 board, bureau, commission, department, branch, division, or  
12 institution thereof, or a separate agency or unit of local  
13 government created or established by law or ordinance and the  
14 officers thereof. The term includes, but is not limited to, a  
15 county; a city, a town, or other municipality; or a department,  
16 a commission, an authority, a school district, a taxing  
17 district, a water management district, a board, a public  
18 corporation, an institution of higher education, or other public  
19 agency or body thereof authorized to expend public funds for the  
20 construction, maintenance, repair, renovation, remodeling, or  
21 improvement of public works.

22 (b) "Iron or steel product" means any product made  
23 primarily of iron or steel, including, but not limited to, lined  
24 or unlined pipes and fittings; bars and rods; wire, wire ropes,  
25 and link chains; forgings; grating and drainage products; access  
26 covers, hatches, manhole covers, and other castings; hydrants;  
27 electric transmission and distribution poles; tanks; flanges;  
28 pipe clamps and restraints; valves; structural steel and other  
29 steel mill products; materials made primarily of iron and steel  
30 within precast concrete; and other construction materials made  
31 primarily of iron or steel.

32 (c) "Manufacturing process" means the application of a  
33 process to alter the form or function of materials or elements  
34 of a product in a manner that adds value and transforms the  
35 materials or elements into a new finished product that is  
36 functionally different from a finished product produced merely  
37 from assembling materials or elements into a product without  
38 applying such a process.

39 (d) "Produced in the United States" means that, with



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40 respect to iron and steel, all manufacturing processes, from  
41 initial melting through application of coatings, occur in the  
42 United States, other than metallurgical processes to refine  
43 steel additives.

44 (e) "Public works project" means an activity paid for with  
45 any state-appropriated funds or state funds administered by a  
46 governmental entity, which consists of the construction,  
47 maintenance, repair, renovation, remodeling, or improvement of a  
48 building, road, street, sewer, storm drain, water system, site  
49 development, irrigation system, reclamation project, gas or  
50 electrical distribution system, gas or electrical substation, or  
51 other facility, project, or portion thereof owned in whole or in  
52 part by any governmental entity.

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

54 (a) Notwithstanding any other law, a governmental entity  
55 entering into a contract for a public works project or for the  
56 purchase of materials for a public works project must include in  
57 the contract a requirement that any iron or steel product  
58 permanently incorporated in the project be produced in the  
59 United States.

60 (b) Paragraph (a) does not apply if the governmental entity  
61 administering the funds for a public works project or the  
62 purchase of materials for a public works project solely  
63 determines that any of the following applies:

64 1. Iron or steel products produced in the United States are  
65 not produced in sufficient quantities, reasonably available, or  
66 of satisfactory quality.

67 2. The use of iron or steel products produced in the United  
68 States will increase the total cost of the project by more than



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69 20 percent.

70 3. Complying with paragraph (a) is inconsistent with the  
71 public interest.

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

75 1. Such materials are incidental or ancillary to the  
76 primary product and are not separately identified in the project  
77 specifications.

78 2. The cost of such materials does not exceed one-tenth of  
79 1 percent of the total contract cost or \$2,500, whichever is  
80 greater. For purposes of this subparagraph, the cost of such  
81 materials is that shown to be the value of the iron or steel  
82 products as they are delivered to the project.

83 (d) Electrical components, equipment, systems, and  
84 appurtenances, including supports, covers, shielding, and other  
85 appurtenances related to an electrical system, necessary for  
86 operation or concealment, except transmission and distribution  
87 poles, are not considered iron or steel products and are exempt  
88 from the requirements of paragraph (a).

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

92 (4) RULEMAKING.—

93 (a) Except as otherwise provided in this subsection, the  
94 Department of Management Services shall develop guidelines and  
95 procedures by rule to implement this section.

96 (b) The Department of Transportation shall develop  
97 guidelines and procedures by rule to implement this section for



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98 public works projects it administers.

99       Section 9. The Legislature determines and declares that  
100 this act fulfills an important state interest.

101  
102 ===== T I T L E   A M E N D M E N T =====

103 And the title is amended as follows:

104       Delete line 48

105 and insert:

106       works project"; creating s. 255.0993, F.S.; defining  
107       terms; requiring governmental entities to include a  
108       requirement in certain contracts that certain iron or  
109       steel products be produced in the United States;  
110       providing exceptions; authorizing the use of foreign  
111       steel and iron materials in certain circumstances;  
112       exempting specified products from the requirement;  
113       providing construction; requiring the Department of  
114       Management Services and the Department of  
115       Transportation to adopt rules for specified purposes;  
116       providing a declaration of important state interest;  
117       providing an effective date.