

By Senator Perry

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1 A bill to be entitled
2 An act relating to public works projects; creating s.
3 255.0992, F.S.; providing definitions; prohibiting the
4 state and political subdivisions that contract for
5 public works projects from imposing restrictive
6 conditions on certain contractors, subcontractors, or
7 material suppliers or carriers; prohibiting the state
8 and political subdivisions from restricting qualified
9 bidders from submitting bids or being awarded
10 contracts; providing applicability; providing an
11 effective date.

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

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15 Section 1. Section 255.0992, Florida Statutes, is created
16 to read:

17 255.0992 Public works projects; prohibited governmental
18 actions.-

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

20 (a) "Political subdivision" means a separate agency or unit
21 of local government created or established by law or ordinance
22 and the officers thereof. The term includes, but is not limited
23 to, a county; a city, town, or other municipality; or a
24 department, commission, authority, school district, taxing
25 district, water management district, board, public corporation,
26 institution of higher education, or other public agency or body
27 thereof authorized to expend public funds for construction,
28 maintenance, repair, or improvement of public works.

29 (b) "Public works project" means an activity that is paid
30 for in whole or in part with state funds and that consists of
31 the construction, maintenance, repair, renovation, remodeling,
32 or improvement of a building, road, street, sewer, storm drain,

8-00450B-17

2017534__

33 water system, site development, irrigation system, reclamation
34 project, gas or electrical distribution system, gas or
35 electrical substation, or other facility, project, or portion
36 thereof that is owned in whole or in part by any political
37 subdivision.

38 (2) (a) Except as required by federal or state law, the
39 state or any political subdivision that contracts for a public
40 works project may not require that a contractor, subcontractor,
41 or material supplier or carrier engaged in such project:

42 1. Pay employees a predetermined amount of wages or
43 prescribe any wage rate;

44 2. Provide employees a specified type, amount, or rate of
45 employee benefits;

46 3. Control, limit, or expand staffing; or

47 4. Recruit, train, or hire employees from a designated,
48 restricted, or single source.

49 (b) The state or any political subdivision that contracts
50 for a public works project may not prohibit any contractor,
51 subcontractor, or material supplier or carrier able to perform
52 such work who is qualified, licensed, or certified as required
53 by state law to perform such work from submitting a bid on the
54 public works project or being awarded any contract, subcontract,
55 material order, or carrying order.

56 (3) This section does not apply to contracts executed under
57 chapter 337.

58 Section 2. This act shall take effect July 1, 2017.