

By Senator Brandes

22-00262A-16

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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 the  
5 construction, maintenance, repair, or improvement of  
6 public works from imposing restrictive conditions on  
7 contractors, subcontractors, or material suppliers or  
8 carriers; prohibiting the state and political  
9 subdivisions from restricting qualified bidders from  
10 submitting bids; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 255.0992, Florida Statutes, is created  
15 to read:

16 255.0992 Public works projects; prohibited governmental  
17 actions.-

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

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

28 (b) "Public works" or "public works project" means a  
29 building, road, street, sewer, storm drain, water system, site

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30 development, irrigation system, reclamation project, gas or  
31 electrical distribution system, gas or electrical substation, or  
32 other facility, project, or portion thereof, including repair,  
33 renovation, or remodeling, owned, in whole or in part, by any  
34 political subdivision for which a project for construction,  
35 maintenance, repair, or improvement of public works is to be  
36 paid for, in whole or in part, with state funds.

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

43 (a) Pay employees a predetermined amount of wages or  
44 prescribe any wage rate;

45 (b) Provide employees a specified type, amount, or rate of  
46 employee benefits;

47 (c) Control, limit, or expand staffing; or

48 (d) Recruit, train, or hire employees from a designated,  
49 restricted, or single source.

50 (3) The state or any political subdivision that contracts  
51 for any construction, maintenance, repair, or improvement of  
52 public works may not prohibit any contractor, subcontractor, or  
53 material supplier or carrier able to perform construction,  
54 maintenance, repair, or improvement of public works who is  
55 qualified, licensed, or certified as required by state law to  
56 perform such work from submitting a bid on any public works  
57 project.

58 Section 2. This act shall take effect July 1, 2016.