

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; providing applicability;  
 10          providing an effective date.

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

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 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  
 20 unit of local government created or established by law or  
 21 ordinance and the officers thereof. The term includes, but is  
 22 not limited to, a county; a city, town, or other municipality;  
 23 or a department, commission, authority, school district, taxing  
 24 district, water management district, board, public corporation,  
 25 institution of higher education, or other public agency or body

26 thereof authorized to expend public funds for construction,  
 27 maintenance, repair, or improvement of public works.

28 (b) "Public works project" means an activity of which 50  
 29 percent or more of the cost will be paid from state-appropriated  
 30 funds that were appropriated at the time of the competitive  
 31 solicitation and which consists of the construction,  
 32 maintenance, repair, renovation, remodeling, or improvement of a  
 33 building, road, street, sewer, storm drain, water system, site  
 34 development, irrigation system, reclamation project, gas or  
 35 electrical distribution system, gas or electrical substation, or  
 36 other facility, project, or portion thereof that is owned in  
 37 whole or in part by any political 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. This paragraph does not apply to vendors  
55 listed under ss. 287.133 and 287.134.

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

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