

By the Committee on Governmental Oversight and Accountability;  
and Senator Brodeur

585-02679-21

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1                   A bill to be entitled  
2           An act relating to public works projects; amending s.  
3           255.0991, F.S.; revising a prohibition relating to any  
4           solicitation for construction services paid for with  
5           state or locally appropriated funds; providing  
6           construction; amending s. 255.0992, F.S.; revising the  
7           definition of the term "public works project";  
8           prohibiting the state or any political subdivision  
9           that contracts for a public works project from taking  
10          specified action against certain persons that are  
11          engaged in a public works project or have submitted a  
12          bid for such a project; providing construction;  
13          providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsections (2) and (4) of section 255.0991,  
18 Florida Statutes, are amended to read:

19           255.0991 Contracts for construction services; prohibited  
20 local government preferences.—

21           (2) For any ~~a~~ competitive solicitation for construction  
22 services paid for with funding that is state-appropriated or  
23 locally appropriated ~~in which 50 percent or more of the cost~~  
24 ~~will be paid from state-appropriated funds which have been~~  
25 ~~appropriated at the time of the competitive solicitation,~~ a  
26 state college, county, municipality, school district, or other  
27 political subdivision of the state may not use a local ordinance  
28 or regulation that provides a preference based upon:

29           (a) The contractor's maintaining an office or place of

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30 business within a particular local jurisdiction;

31 (b) The contractor's hiring employees or subcontractors  
32 from within a particular local jurisdiction; or

33 (c) The contractor's prior payment of local taxes,  
34 assessments, or duties within a particular local jurisdiction.

35 (4) Except as provided in subsection (2), this section does  
36 not prevent a state college, county, municipality, school  
37 district, or other political subdivision of the state from:

38 (a) Awarding a contract to a contractor in accordance with  
39 applicable state laws or local ordinances or regulations; or

40 (b) Offering any incentive or awarding any point preference  
41 to a contractor in the bidding process for a contract for  
42 construction services, so long as acceptance of any such  
43 incentive or preference does not impose any fine, penalty, or  
44 other sanction on a contractor.

45 Section 2. Paragraph (b) of subsection (1) and subsections  
46 (2) and (3) of section 255.0992, Florida Statutes, are amended  
47 to read:

48 255.0992 Public works projects; prohibited governmental  
49 actions.—

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

51 (b) "Public works project" means an activity ~~of which 50~~  
52 ~~percent or more of the cost will be paid for with from~~ state-  
53 appropriated or locally appropriated funds that were  
54 ~~appropriated at the time of the competitive solicitation and~~  
55 which consists of the construction, maintenance, repair,  
56 renovation, remodeling, or improvement of a building, road,  
57 street, sewer, storm drain, water system, site development,  
58 irrigation system, reclamation project, gas or electrical

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59 distribution system, gas or electrical substation, or other  
60 facility, project, or portion thereof that is owned in whole or  
61 in part by any political subdivision.

62 (2)~~(a)~~ Except as required by federal or state law, the  
63 state or any political subdivision that contracts for a public  
64 works project may not take the following actions:

65 (a) Grant a preference or impose a penalty during the  
66 bidding process based on the geographic location of the company  
67 headquarters or offices of the contractor, subcontractor, or  
68 material supplier or carrier submitting a bid on a public works  
69 project or the residences of employees of such contractor,  
70 subcontractor, or material supplier or carrier.

71 (b) Require that a contractor, subcontractor, or material  
72 supplier or carrier engaged in a public works ~~such~~ project:

- 73 1. Pay employees a predetermined amount of wages or  
74 prescribe any wage rate;
- 75 2. Provide employees a specified type, amount, or rate of  
76 employee benefits;
- 77 3. Control, limit, or expand staffing; ~~or~~
- 78 4. Recruit, ~~train,~~ or hire employees from a designated,  
79 restricted, or single source; or
- 80 5. Train employees in designated programs with a restricted  
81 curriculum or from a single source.

82 ~~(c)(b) The state or any political subdivision that~~  
83 ~~contracts for a public works project may not~~ Prohibit any  
84 contractor, subcontractor, or material supplier or carrier able  
85 to perform such work that ~~who~~ is qualified, licensed, or  
86 certified as required by state or local law to perform such work  
87 from receiving information about public works opportunities or

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88 from submitting a bid on the public works project. This  
89 paragraph does not apply to vendors listed under ss. 287.133 and  
90 287.134.

91 (3) This section does not:

92 (a) Apply to contracts executed under chapter 337; or

93 (b) Prevent the state or a political subdivision from  
94 offering any incentive or awarding any point preference in the  
95 bidding process which are not prohibited under this section so  
96 long as acceptance of any such incentive or preference does not  
97 impose a fine, a penalty, or another sanction on the bidder.

98 Section 3. This act shall take effect July 1, 2021.