

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 appropriated funds; amending s. 255.0992, F.S.;
 6 revising the definition of the term "public works
 7 project"; prohibiting the state or any political
 8 subdivision that contracts for a public works project
 9 from taking specified action against certain persons
 10 that are engaged in a public works project or have
 11 submitted a bid for such a project; providing an
 12 effective date.

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

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 16 Section 1. Subsection (2) of section 255.0991, Florida
 17 Statutes, is amended to read:

18 255.0991 Contracts for construction services; prohibited
 19 local government preferences.—

20 (2) For any a competitive solicitation for construction
 21 services paid for with any funding that is state-appropriated ~~in~~
 22 ~~which 50 percent or more of the cost will be paid from state-~~
 23 ~~appropriated funds which have been appropriated at the time of~~
 24 ~~the competitive solicitation,~~ a state college, county,
 25 municipality, school district, or other political subdivision of

26 | the state may not use a local ordinance or regulation that
 27 | imposes a penalty ~~provides a preference~~ based upon:

28 | (a) The contractor's maintaining an office or place of
 29 | business within a particular local jurisdiction;

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

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

34 | Section 2. Paragraph (b) of subsection (1) and subsection
 35 | (2) of section 255.0992, Florida Statutes, are amended to read:

36 | 255.0992 Public works projects; prohibited governmental
 37 | actions.—

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

39 | (b) "Public works project" means an activity exceeding
 40 | \$300,000 in value that is ~~of which 50 percent or more of the~~
 41 | ~~cost will be paid for with any from~~ state-appropriated funds
 42 | ~~that were appropriated at the time of the competitive~~
 43 | ~~solicitation~~ and which consists of the construction,
 44 | maintenance, repair, renovation, remodeling, or improvement of a
 45 | building, road, street, sewer, storm drain, water system, site
 46 | development, irrigation system, reclamation project, gas or
 47 | electrical distribution system, gas or electrical substation, or
 48 | other facility, project, or portion thereof that is owned in
 49 | whole or in part by any political subdivision.

50 | (2)~~(a)~~ Except as required by federal or state law, the

51 state or any political subdivision that contracts for a public
 52 works project may not take the following actions:

53 (a) Impose a penalty during the bidding process based on
 54 the geographic location of the company headquarters or offices
 55 of the contractor, subcontractor, or material supplier or
 56 carrier submitting a bid on a public works project or the
 57 residences of employees of such contractor, subcontractor, or
 58 material supplier or carrier.

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

- 61 1. Pay employees a predetermined amount of wages or
- 62 prescribe any wage rate;
- 63 2. Provide employees a specified type, amount, or rate of
- 64 employee benefits;
- 65 3. Control, limit, or expand staffing; ~~or~~
- 66 4. Recruit, ~~train,~~ or hire employees from a designated,
- 67 restricted, or single source; or
- 68 5. Train employees in designated programs with a
- 69 restricted curriculum or from a single source.

70 ~~(c)(b) The state or any political subdivision that~~
 71 ~~contracts for a public works project may not~~ Prohibit any
 72 contractor, subcontractor, or material supplier or carrier able
 73 to perform such work that ~~who~~ is qualified, licensed, or
 74 certified as required by state or local law to perform such work
 75 from receiving information about public works opportunities or

76 | from submitting a bid on the public works project. This
77 | paragraph does not apply to vendors listed under ss. 287.133 and
78 | 287.134.

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