

1 A bill to be entitled
2 An act relating to public works; amending s. 255.0991,
3 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
12 applicability; amending s. 403.928, F.S.; requiring
13 the Office of Economic and Demographic Research to
14 include an analysis of certain expenditures in its
15 annual assessment; creating s. 403.9301, F.S.;
16 providing definitions; requiring counties,
17 municipalities, and special districts that provide
18 wastewater services to develop a needs analysis that
19 includes certain information by a specified date;
20 requiring municipalities and special districts to
21 submit such analyses to a certain county; requiring
22 the county to file a compiled document with the
23 coordinator of the Office of Economic and Demographic
24 Research by a specified date; requiring the office to
25 evaluate the document and include an analysis in its

26 | annual assessment; creating s. 403.9302, F.S.;

27 | providing definitions; requiring counties,

28 | municipalities, and special districts that provide

29 | stormwater management to develop a needs analysis that

30 | includes certain information by a specified date;

31 | requiring municipalities and special districts to

32 | submit such analyses to a certain county; requiring

33 | the county to file a compiled document with the

34 | Secretary of Environmental Protection and the

35 | coordinator of the Office of Economic and Demographic

36 | Research by a specified date; requiring the office to

37 | evaluate the document and include an analysis in its

38 | annual assessment; providing a determination and

39 | declaration of important state interest; providing an

40 | effective date.

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42 | Be It Enacted by the Legislature of the State of Florida:

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44 | Section 1. Subsection (2) of section 255.0991, Florida

45 | Statutes, is amended to read:

46 | 255.0991 Contracts for construction services; prohibited

47 | local government preferences.—

48 | (2) For any ~~a~~ competitive solicitation for construction

49 | services paid for, in whole or in part, with funding that is

50 | state-appropriated ~~in which 50 percent or more of the cost will~~

51 ~~be paid from state-appropriated funds which have been~~
52 ~~appropriated at the time of the competitive solicitation, a~~
53 ~~state college, county, municipality, school district, or other~~
54 ~~political subdivision of the state may not use a local ordinance~~
55 ~~or regulation to prevent a certified, licensed, or registered~~
56 ~~contractor, subcontractor, or material supplier or carrier, from~~
57 ~~participating in the bidding process that provides a preference~~
58 based upon:

59 (a) The contractor's maintaining an office or place of
60 business within a particular local jurisdiction;

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

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

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

67 255.0992 Public works projects; prohibited governmental
68 actions.—

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

70 (b) "Public works project" means an activity exceeding
71 \$1,000,000 in value that is of which 50 percent or more of the
72 cost will be paid for, in whole or in part, with ~~from~~ state-
73 appropriated funds ~~that were appropriated at the time of the~~
74 ~~competitive solicitation~~ and which consists of the construction,
75 maintenance, repair, renovation, remodeling, or improvement of a

76 building, road, street, sewer, storm drain, water system, site
 77 development, irrigation system, reclamation project, gas or
 78 electrical distribution system, gas or electrical substation, or
 79 other facility, project, or portion thereof that is owned in
 80 whole or in part by any political subdivision.

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

84 (a) Prevent a certified, licensed, or registered
 85 contractor, subcontractor, or material supplier or carrier, from
 86 participating in the bidding process based on the geographic
 87 location of the company headquarters or offices of the
 88 contractor, subcontractor, or material supplier or carrier
 89 submitting a bid on a public works project or the residences of
 90 employees of such contractor, subcontractor, or material
 91 supplier or carrier.

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

- 94 1. Pay employees a predetermined amount of wages or
 95 prescribe any wage rate;
 96 2. Provide employees a specified type, amount, or rate of
 97 employee benefits;
 98 3. Control, limit, or expand staffing; or
 99 4. Recruit, train, or hire employees from a designated,
 100 restricted, or single source.

101 (c)(b) ~~The state or any political subdivision that~~
 102 ~~contracts for a public works project may not~~ Prohibit any
 103 contractor, subcontractor, or material supplier or carrier able
 104 to perform such work that ~~who~~ is qualified, licensed, or
 105 certified as required by state or local law to perform such work
 106 from receiving information about public works opportunities or
 107 from submitting a bid on the public works project. This
 108 paragraph does not apply to vendors listed under ss. 287.133 and
 109 287.134.

110
 111 This section does not apply to a program authorized by s.
 112 212.055(1) which is approved by a majority vote of the
 113 electorate of the county or by a charter amendment approved by a
 114 majority vote of the electorate of the county.

115 Section 3. Paragraph (e) is added to subsection (1) of
 116 section 403.928, Florida Statutes, to read:

117 403.928 Assessment of water resources and conservation
 118 lands.—The Office of Economic and Demographic Research shall
 119 conduct an annual assessment of Florida's water resources and
 120 conservation lands.

121 (1) WATER RESOURCES.—The assessment must include all of
 122 the following:

123 (e) Beginning with the assessment due January 1, 2022, an
 124 analysis of the expenditures necessary to repair, replace, and
 125 expand water-related infrastructure. As part of this analysis,

126 the office shall periodically survey public and private
127 utilities.

128 Section 4. Section 403.9301, Florida Statutes, is created
129 to read:

130 403.9301 Wastewater services projections.-

131 (1) The Legislature intends for each county, municipality,
132 or special district providing wastewater services to create a
133 20-year needs analysis.

134 (2) As used in this section, the term:

135 (a) "Domestic wastewater" has the same meaning as provided
136 in s. 367.021.

137 (b) "Facility" means any equipment, structure, or other
138 property, including sewerage systems and treatment works, used
139 to provide wastewater services.

140 (c) "Treatment works" has the same meaning as provided in
141 s. 403.031(11).

142 (d) "Wastewater services" means service to a sewerage
143 system, as defined in s. 403.031(9), or service to domestic
144 wastewater treatment works.

145 (3) By June 30, 2022, and every 5 years thereafter, each
146 county, municipality, or special district providing wastewater
147 services shall develop a needs analysis for its jurisdiction
148 over the subsequent 20 years. In projecting such needs, each
149 local government shall include the following:

150 (a) A detailed description of the facilities used to

151 provide wastewater services.

152 (b) The number of current and projected connections and
153 residents served calculated in 5-year increments.

154 (c) The current and projected service area for wastewater
155 services.

156 (d) The current and projected cost of providing wastewater
157 services calculated in 5-year increments.

158 (e) The estimated remaining useful life of each facility
159 or its major components.

160 (f) The most recent 5-year history of annual contributions
161 to, expenditures from, and balances of any capital account for
162 maintenance or expansion of any facility or its major
163 components.

164 (g) The local government's plan to fund the maintenance or
165 expansion of any facility or its major components. The plan must
166 include historical and estimated future revenues and
167 expenditures with an evaluation of how the local government
168 expects to close any projected funding gap.

169 (4) Upon completing the requirements of subsection (3),
170 each municipality or special district shall submit its needs
171 analysis, as well as the methodology and any supporting data
172 necessary to interpret the results, to the county within which
173 the largest portion of its service area is located. Each county
174 shall compile all analyses submitted to it under this subsection
175 into a single document and include its own analysis in the

176 document. The county shall file the compiled document with the
177 coordinator of the Office of Economic and Demographic Research
178 no later than July 31, 2022, and every 5 years thereafter.

179 (5) The Office of Economic and Demographic Research shall
180 evaluate the compiled documents from the counties for the
181 purpose of developing a statewide analysis for inclusion in the
182 assessment due January 1, 2023, pursuant to s. 403.928.

183 Section 5. Section 403.9302, Florida Statutes, is created
184 to read:

185 403.9302 Stormwater management projections.—

186 (1) The Legislature intends for each county, municipality,
187 or special district providing a stormwater management program or
188 stormwater management system to create a 20-year needs analysis.

189 (2) As used in this section, the term:

190 (a) "Facility" means any equipment, structure, or other
191 property, including conveyance systems, used or useful in
192 connection with providing a stormwater management program or
193 stormwater management system.

194 (b) "Stormwater management program" has the same meaning
195 as provided in s. 403.031(15).

196 (c) "Stormwater management system" has the same meaning as
197 provided in s. 403.031(16).

198 (3) By June 30, 2022, and every 5 years thereafter, each
199 county, municipality, or special district providing a stormwater
200 management program or stormwater management system shall develop

201 a needs analysis for its jurisdiction over the subsequent 20
202 years. In projecting such needs, each local government shall
203 include the following:

204 (a) A detailed description of the stormwater management
205 program or stormwater management system and its facilities and
206 projects.

207 (b) The number of current and projected residents served
208 calculated in 5-year increments.

209 (c) The current and projected service area for the
210 stormwater management program or stormwater management system.

211 (d) The current and projected cost of providing services
212 calculated in 5-year increments.

213 (e) The estimated remaining useful life of each facility
214 or its major components.

215 (f) The most recent 5-year history of annual contributions
216 to, expenditures from, and balances of any capital account for
217 maintenance or expansion of any facility or its major
218 components.

219 (g) The local government's plan to fund the maintenance or
220 expansion of any facility or its major components. The plan must
221 include historical and estimated future revenues and
222 expenditures with an evaluation of how the local government
223 expects to close any projected funding gap.

224 (4) Upon completing the requirements of subsection (3),
225 each municipality or special district shall submit its needs

226 analysis, as well as the methodology and any supporting data
227 necessary to interpret the results, to the county within which
228 the largest portion of its stormwater management program or
229 stormwater management system is located. Each county shall
230 compile all analyses submitted to it under this subsection into
231 a single document and include its own analysis in the document.
232 The county shall file the compiled document with the Secretary
233 of Environmental Protection and the coordinator of the Office of
234 Economic and Demographic Research no later than July 31, 2022,
235 and every 5 years thereafter.

236 (5) The Office of Economic and Demographic Research shall
237 evaluate the compiled documents from the counties for the
238 purpose of developing a statewide analysis for inclusion in the
239 assessment due January 1, 2023, pursuant to s. 403.928.

240 Section 6. The Legislature determines and declares that
241 this act fulfills an important state interest.

242 Section 7. This act shall take effect July 1, 2021.