

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 with any ~~in which 50 percent or more of the~~

50 | ~~cost will be paid from state-appropriated funds which have been~~

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

58 (a) ~~The contractor's~~ Maintaining an office or place of
59 business within a particular local jurisdiction;

60 (b) ~~The contractor's~~ Hiring employees or subcontractors
61 from within a particular local jurisdiction; or

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

64 Section 2. Paragraph (b) of subsection (1) and subsections
65 (2) and (3) of section 255.0992, Florida Statutes, are amended
66 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 \$1
71 million in value that is ~~of which 50 percent or more of the cost~~
72 ~~will be paid for with any from~~ state-appropriated funds ~~that~~
73 ~~were appropriated at the time of the competitive solicitation~~
74 and which consists of the construction, maintenance, repair,
75 renovation, remodeling, or improvement of a building, road,

76 street, sewer, storm drain, water system, site development,
77 irrigation system, reclamation project, gas or electrical
78 distribution system, gas or electrical substation, or other
79 facility, project, or portion thereof that is owned in whole or
80 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 (3) This section does not apply to the following:

111 (a) Contracts executed under chapter 337.

112 (b) A use authorized by s. 212.055(1) which is approved by
 113 a majority vote of the electorate of the county or by a charter
 114 amendment approved by a majority vote of the electorate of the
 115 county.

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

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

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

124 (e) Beginning with the assessment due January 1, 2022, an
 125 analysis of the expenditures necessary to repair, replace, and

126 expand water-related infrastructure. As part of this analysis,
127 the office shall periodically survey public and private
128 utilities.

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

131 403.9301 Wastewater services projections.-

132 (1) The Legislature intends for each county, municipality,
133 or special district providing wastewater services to create a
134 20-year needs analysis.

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

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

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

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

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

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

151 (a) A detailed description of the facilities used to
152 provide wastewater services.

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

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

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

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

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

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

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

176 into a single document and include its own analysis in the
177 document. The county shall file the compiled document with the
178 coordinator of the Office of Economic and Demographic Research
179 no later than July 31, 2022, and every 5 years thereafter.

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

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

186 403.9302 Stormwater management projections.—

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

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

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

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

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

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

201 management program or stormwater management system shall develop
202 a needs analysis for its jurisdiction over the subsequent 20
203 years. In projecting such needs, each local government shall
204 include the following:

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

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

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

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

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

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

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

225 (4) Upon completing the requirements of subsection (3),

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

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

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

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