

1                                   A bill to be entitled  
 2           An act relating to United States-produced iron and  
 3           steel in public works projects; creating s. 255.0993,  
 4           F.S.; providing definitions; requiring governmental  
 5           entities to include a requirement in certain contracts  
 6           that certain iron or steel products must be produced  
 7           in the United States; providing exceptions;  
 8           authorizing the use of foreign steel and iron  
 9           materials in certain circumstances; requiring the  
 10          Department of Management Service and the Department of  
 11          Transportation to adopt rules; providing a legislative  
 12          finding and declaration of important state interest;  
 13          providing construction; providing an effective date.

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

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 17           Section 1. Section 255.0993, Florida Statutes, is created  
 18 to read:

19           255.0993 Public works projects; United States-produced  
 20 iron and steel products.-

21           (1) DEFINITIONS.-As used in this section, the term:

22           (a) "Governmental entity" means the state, or any office,  
 23 board, bureau, commission, department, branch, division, or  
 24 institution thereof, or a separate agency or unit of local  
 25 government created or established by law or ordinance and the

26 officers thereof. The term includes, but is not limited to, a  
27 county; a city, town, or other municipality; or a department,  
28 commission, authority, school district, taxing district, water  
29 management district, board, public corporation, institution of  
30 higher education, or other public agency or body thereof  
31 authorized to expend public funds for the construction,  
32 maintenance, repair, renovation, remodeling, or improvement of  
33 public works.

34 (b) "Iron or steel products" means products made primarily  
35 of iron or steel, including, but not limited to, lined or  
36 unlined pipes and fittings; bars and rods; wire, wire ropes and  
37 link chains; forgings; grating and drainage products; access  
38 covers, hatches, manhole covers and other castings; hydrants;  
39 electric transmission and distribution poles; tanks; flanges;  
40 pipe clamps and restraints; valves; structural steel and other  
41 steel mill products; materials made primarily of iron and steel  
42 within precast concrete; and other construction materials made  
43 primarily of iron or steel.

44 (c) "Manufacturing process" means the application of a  
45 process to alter the form or function of materials or elements  
46 of a product in a manner that adds value and transforms the  
47 materials or elements into a new finished product that is  
48 functionally different from a finished product produced merely  
49 from assembling materials or elements into a product without  
50 applying such a process.

51 (d) "Produced in the United States" means, with respect to  
 52 iron and steel, all manufacturing processes, from initial  
 53 melting through application of coatings, occur in the United  
 54 States, other than metallurgical processes to refine steel  
 55 additives.

56 (e) "Public works project" means an activity that is paid  
 57 for with any state-appropriated funds or state funds  
 58 administered by a governmental entity and which consists of the  
 59 construction, maintenance, repair, renovation, remodeling, or  
 60 improvement of, a building, road, street, sewer, storm drain,  
 61 water system, site development, irrigation system, reclamation  
 62 project, gas or electrical distribution system, gas or  
 63 electrical substation, or other facility, project, or portion  
 64 thereof that is owned in whole or in part by any governmental  
 65 entity.

66 (2) UNITED STATES-PRODUCED IRON AND STEEL REQUIREMENT.—

67 (a) Notwithstanding any other provision of law, a  
 68 governmental entity entering into a contract for a public works  
 69 project or for the purchase of materials for a public works  
 70 project must include in the contract a requirement that any iron  
 71 or steel product permanently incorporated in the project be  
 72 produced in the United States.

73 (b) Paragraph (a) does not apply if the governmental  
 74 entity administering the funds for a public works project or the  
 75 purchase of materials for a public works project determines

76 that:

77 1. Iron or steel products produced in the United States  
78 are not produced in sufficient quantities, reasonably available,  
79 or of satisfactory quality;

80 2. The use of iron or steel products produced in the  
81 United States will increase the total cost of the project by  
82 more than 20 percent; or

83 3. Complying with paragraph (a) is inconsistent with the  
84 public interest.

85 (c) Paragraph (a) does not prevent a minimal use of  
86 foreign steel and iron materials in a public works project if:

87 1. Such materials are incidental or ancillary to primary  
88 iron or steel products and are not separately identified in the  
89 project specifications.

90 2. The cost of such materials does not exceed 0.1 percent  
91 of the total contract cost or \$2,500, whichever is greater. For  
92 purposes of this subparagraph, the cost of such materials is  
93 that shown to be the value of the iron or steel products as they  
94 are delivered to the project.

95 (d) Electrical components, equipment, systems, and  
96 appurtenances, including supports, covers, shielding, and other  
97 appurtenances related to an electrical system, necessary for  
98 operation or concealment, except transmission and distribution  
99 poles, are not considered iron or steel products and are exempt  
100 from the requirements of paragraph (a).

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101        (3) INTERNATIONAL AGREEMENTS.—This section shall be  
102 applied in a manner consistent with and may not be construed to  
103 impair the state's obligations under any international  
104 agreement.

105        (4) (a) Except as otherwise provided in this subsection,  
106 the Department of Management Services shall develop guidelines  
107 and procedures by rule to implement this section.

108        (b) The Department of Transportation shall develop  
109 guidelines and procedures by rule to implement this section for  
110 public works projects administered by the Department of  
111 Transportation.

112        Section 2. The Legislature determines and declares that  
113 this act fulfills an important state interest.

114        Section 3. This act shall take effect July 1, 2023.