

By Senator Grall

29-00509-24

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1 A bill to be entitled
2 An act relating to public works projects; amending s.
3 255.0992, F.S.; revising the definition of the term
4 "public works project"; deleting a prohibited activity
5 of the state or a political subdivision that contracts
6 for a public works project; authorizing political
7 subdivisions that are the sole source of funding for a
8 public works project to prevent certain contractors
9 and subcontractors and material suppliers or carriers
10 from participating in the bidding process for that
11 project based on the geographic location of the
12 company headquarters or offices or the residences of
13 their employees; providing an effective date.

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

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17 Section 1. Paragraph (b) of subsection (1) and subsections
18 (2) and (3) of section 255.0992, Florida Statutes, are amended
19 to read:

20 255.0992 Public works projects; prohibited governmental
21 actions.—

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

23 (b) "Public works project" means an activity that is paid
24 for with any local or state-appropriated funds and that consists
25 of the construction, maintenance, repair, renovation,
26 remodeling, or improvement of a building, road, street, sewer,
27 storm drain, water system, site development, irrigation system,
28 reclamation project, gas or electrical distribution system, gas
29 or electrical substation, or other facility, project, or portion

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30 thereof owned in whole or in part by any political subdivision.

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

34 (a) ~~Prevent a certified, licensed, or registered~~
35 ~~contractor, subcontractor, or material supplier or carrier, from~~
36 ~~participating in the bidding process based on the geographic~~
37 ~~location of the company headquarters or offices of the~~
38 ~~contractor, subcontractor, or material supplier or carrier~~
39 ~~submitting a bid on a public works project or the residences of~~
40 ~~employees of such contractor, subcontractor, or material~~
41 ~~supplier or carrier.~~

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

44 1. Pay employees a predetermined amount of wages or
45 prescribe any wage rate;

46 2. Provide employees a specified type, amount, or rate of
47 employee benefits;

48 3. Control, limit, or expand staffing; or

49 4. Recruit, train, or hire employees from a designated,
50 restricted, or single source.

51 (b)~~(e)~~ Prohibit any contractor, subcontractor, or material
52 supplier or carrier able to perform such work that is qualified,
53 licensed, or certified as required by state or local law to
54 perform such work from receiving information about public works
55 opportunities or from submitting a bid on the public works
56 project. This paragraph does not apply to vendors listed under
57 ss. 287.133 and 287.134.

58 (3) If the political subdivision is the sole source of

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59 funding for a public works project, the political subdivision
60 may prevent a certified, licensed, or registered contractor,
61 subcontractor, or material supplier or carrier from
62 participating in the bidding process for that project based on
63 the geographic location of the company headquarters or offices
64 of the contractor, subcontractor, or material supplier or
65 carrier or the residences of the employees of such contractor,
66 subcontractor, or material supplier or carrier.

67 (4) This section does not apply to the following:

68 (a) Contracts executed under chapter 337.

69 (b) A use authorized by s. 212.055(1) which is approved by
70 a majority vote of the electorate of the county or by a charter
71 amendment approved by a majority vote of the electorate of the
72 county.

73 Section 2. This act shall take effect July 1, 2024.