

CHAPTER 2015-63

Committee Substitute for Committee Substitute for Senate Bill No. 778

An act relating to local government construction preferences; creating s. 255.0991, F.S.; defining terms; prohibiting local ordinances and regulations from restricting competition for the award of a contract for construction services based upon certain conditions; requiring a state college, county, municipality, school district, or other political subdivision of the state to make specified disclosures in competitive solicitation documents; providing applicability; providing an effective date.

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

Section 1. Section 255.0991, Florida Statutes, is created to read:

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

(1) For purposes of this section, the term:

(a) “Competitive solicitation” has the same meaning as in s. 255.248.

(b) “State-appropriated funds” means all funds appropriated in the General Appropriations Act, excluding federal funds.

(2) For a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, a state college, county, municipality, school district, or other political subdivision of the state may not use a local ordinance or regulation that provides a preference based upon:

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

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

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

(3) For any competitive solicitation that meets the criteria in subsection (2), a state college, county, municipality, school district, or other political subdivision of the state shall disclose in the solicitation document that any applicable local ordinance or regulation does not include any preference that is prohibited by subsection (2).

(4) Except as provided in subsection (2), this section does not prevent a state college, county, municipality, school district, or other political subdivision of the state from awarding a contract to a contractor in accordance with applicable state laws or local ordinances or regulations.

Section 2. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.