

By Senator Boyd

20-00757-24

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A bill to be entitled

An act relating to United States-produced iron and steel in public works projects; creating s. 255.0993, F.S.; defining terms; requiring governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; providing exceptions; authorizing the minimal use of foreign steel and iron materials in certain circumstances; exempting specified products from the requirement; providing construction; requiring the Department of Management Services to adopt rules for specified purposes; providing applicability; providing a declaration of important state interest; providing an effective date.

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

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

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

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

(a) "Governmental entity" means the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, or a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, a town, or other municipality; or a department, a commission, an authority, a school district, a taxing

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30 district, a water management district, a board, a public
31 corporation, an institution of higher education, or other public
32 agency or body thereof authorized to expend public funds for the
33 construction, maintenance, repair, renovation, remodeling, or
34 improvement of public works.

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

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

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

57 (e) "Public works project" means an activity paid for with
58 any state-appropriated funds or state funds administered by a

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governmental entity which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any governmental entity.

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

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

(b) Paragraph (a) does not apply if the governmental entity administering the funds for a public works project or the purchase of materials for a public works project solely determines that any of the following applies:

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

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

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

(c) When steel and iron materials are used in a public works project, paragraph (a) does not prevent a minimal use of foreign steel and iron materials if:

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88 1. Such materials are incidental or ancillary to the
89 primary product and are not separately identified in the project
90 specifications; and

91 2. The cost of such materials does not exceed one-tenth of
92 1 percent of the total contract cost or \$2,500, whichever is
93 greater. For purposes of this subparagraph, the cost of such
94 materials is that shown to be the value of the iron or steel
95 products as they are delivered to the project.

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

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

105 (4) RULEMAKING.—The Department of Management Services shall
106 develop guidelines and procedures by rule to implement this
107 section.

108 (5) APPLICABILITY.—This section does not apply to contracts
109 procured by the Department of Transportation subject to the Buy
110 America requirements of 23 C.F.R. s. 635.410.

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

113 Section 3. This act shall take effect July 1, 2024.