



AGENDA REPORT  
April 9, 2019

**Resolution Applying Statutory Requirements to County Public Works  
Projects**

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**SUBJECT:**

Resolution Applying Statutory Requirements to County Public Works Projects

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

District 3

**REQUESTED ACTION:**

Board consideration and passage of attached resolution

**SUMMARY EXPLANATION and BACKGROUND:**

In 2017, Fla. Stat. Sec. 255.0992 was enacted, requiring that public works project contracts not include certain provisions which distort the free market. These requirements, however, only apply to those projects which use 50% or more of state-appropriated funds. The Board has seemingly expressed a desire in recent decisions to align such County requirements with that of the State.

Staff has concluded that this resolution would have no affect on current County contracts or practices. However, this would set forth policy which would prevent such practices from being instituted, as they have been in other jurisdictions, without public debate.

**ATTACHMENTS:**

**Description**

- ▣ Resolution - Public Works Projects



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April 10, 2019

**M E M O R A N D U M**

TO: Corrina Gumm, Interim Public Works Director

RE: Item J.4., Resolution Applying Statutory Requirements to County Public Works Projects

The Board of County Commissioners, in regular session on April 9, 2019, adopted Resolution No. 19-059, requiring Public Works project contracts to not include certain provisions which distort the free market and only applies to those projects which use 50% or more of State-appropriated funds. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Each Commissioner  
County Attorney  
County Manager

**RESOLUTION 19- 059**

**RESOLUTION APPLYING REQUIREMENTS SET FORTH IN FLA. STAT. § 255.0992(2)(a) TO ALL PUBLIC WORKS PROJECTS**

**WHEREAS**, in 2017, Fla. Stat. § 255.0992 was enacted into law; and

**WHEREAS**, this provision prohibits certain terms to be included in contracts for public works projects as defined in § 255.0992; and

**WHEREAS**, these provisions only apply to those projects which utilize state-appropriated funds for 50 percent or more of the cost; and

**WHEREAS**, the Brevard County Board of County Commissioners finds that it is in the best interests of Brevard County to create a more uniform approach when soliciting for public works projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONER OF BREVARD COUNTY, FLORIDA** that:

- 1) Except as required by federal and state law or the County's E-verify Policy in BCC-25, the County may not require any contractor, subcontractor, or material supplier or carrier engaged in a Public Works project, as defined by Fla. Stat. § 255.0992, to:
  - a. Pay employees a predetermined amount of wages or prescribe any wage rate
  - b. Provide employees a specified type, amount, or rate of employee benefits;
  - c. Control, limit or expand staffing;
  - d. Recruit, train, or hire employees from a designated, restricted, or single source

DONE, ORDERED AND ADOPTED, in regular session, this 9<sup>th</sup> Day of April, 2019.

  
KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FL

ATTEST:

  
SCOTT ELLIS, CLERK