

By Senator Sebesta

20-898-00

See HB 575

1 A bill to be entitled
2 An act relating to public procuring and
3 contracting; providing a short title; providing
4 a purpose; prohibiting certain public entities
5 from engaging in specified activities under
6 certain procurement or contracting
7 circumstances; prohibiting such public entities
8 from awarding grants or entering into
9 cooperative agreements containing certain
10 conditions relating to such prohibited
11 activities; requiring such public entities to
12 exercise authority to preclude grant recipients
13 or parties to such agreements from imposing
14 such conditions; authorizing challenge of
15 certain procurement or contracting documents or
16 agreements; providing for award of costs and
17 attorneys' fees under certain circumstances;
18 providing an effective date.

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

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22 Section 1. (1) This act may be cited as the "Open
23 Contracting Act."

24 (2) The purpose of this act is to prohibit public
25 entities from imposing certain labor requirements as a
26 condition of performing public works.

27 (3) The state, and any political subdivision, agency,
28 or instrumentality of the state, when procuring products or
29 services or letting contracts for the manufacture or
30 construction of public works, or overseeing such procurement,
31 manufacture, or construction, shall ensure that bid

1 specifications, project agreements, and other controlling
2 documents entered into, required, or subject to approval by
3 the state, political subdivision, agency, or instrumentality
4 do not:
5 (a) Require bidders, offerors, contractors, or
6 subcontractors to enter into or adhere to agreements with one
7 or more labor organizations on the same or related projects;
8 (b) Discriminate against bidders, offerors,
9 contractors, or subcontractors for refusing to become or
10 remain signatories or otherwise adhere to agreements with one
11 or more labor organizations on the same or related
12 construction projects; or
13 (c) Require any bidder, offeror, contractor, or
14 subcontractor to enter into, adhere to, or enforce any
15 agreement that requires its employees, as a condition of
16 employment, to:
17 1. Become members of or become affiliated with a labor
18 organization; or
19 2. Pay dues or fees to a labor organization, over an
20 employee's objection, in excess of the employee's share of
21 labor organization's costs relating to collective bargaining,
22 contract administration, or grievance adjustment.
23 (4) The state, and any political subdivision, agency,
24 or instrumentality of the state:
25 (a) Shall not award any grant or enter into any
26 cooperative agreement for any construction project a condition
27 of which grant or agreement requires that bid specifications,
28 project agreements, or other controlling documents pertaining
29 to the grant or cooperative agreement contain any of the
30 provisions prohibited under subsection (3).
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1 (b) Shall exercise any authority necessary to preclude
2 a grant recipient or party to a cooperative agreement from
3 imposing any of provisions prohibited under subsection (3) in
4 connection with the award of any grant or the entering into of
5 any cooperative agreement.

6 (5) Any interested party, including, but not limited
7 to, any bidder, offeror, contractor, subcontractor, or
8 taxpayer, shall have standing to challenge any bid
9 specification, project agreement, controlling document, grant,
10 or cooperative agreement which violates any provision of this
11 act and shall be awarded costs and attorneys' fees if the
12 challenge is successful.

13 Section 2. This act shall take effect October 1, 2000.

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16 HOUSE SUMMARY

17 Prohibits public entities from procuring products or
18 services, contracting for public construction, awarding
19 grants, or entering into cooperative agreements which
20 contain provisions relating to required association or
affiliation with labor organizations. See bill for
21 details.
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