

By the Committee on Governmental Operations and
Representatives Trovillion and Andrews

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 restricting public agencies from prohibiting
19 certain agreements with labor organizations
20 under certain circumstances; providing an
21 effective date.

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

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

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

30 (3) The state, and any political subdivision, agency,
31 or instrumentality of the state, when procuring products or

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

1 to the grant or cooperative agreement contain any of the
2 provisions prohibited under subsection (3).

3 (b) Shall exercise any authority necessary to preclude
4 a grant recipient or party to a cooperative agreement from
5 imposing any of provisions prohibited under subsection (3) in
6 connection with the award of any grant or the entering into of
7 any cooperative agreement.

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

15 (6) The state, and any political subdivision, agency,
16 or instrumentality of the state shall not prohibit bidders,
17 offerors, contractors, or subcontractors from entering into or
18 adhering to agreements with one or more labor organizations on
19 the same or related projects, notwithstanding that such
20 agreements must be voluntary and without coercion.

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