

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 the state, and any
5 political subdivision, agency, or
6 instrumentality of the state, from engaging in
7 specified activities under certain procurement
8 or contracting circumstances; authorizing
9 challenge of certain procurement or contracting
10 documents or agreements; providing for award of
11 costs and attorney's fees under certain
12 circumstances; providing an effective date.

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

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

18 (2) The purpose of this act is to prohibit the state,
19 and any political subdivision, agency, or instrumentality of
20 the state, from imposing certain labor requirements as a
21 condition of performing public works. However, nothing in
22 this act shall prohibit bidders, offerors, contractors, or
23 subcontractors from entering into or adhering to agreements
24 with one or more labor organizations on the same or related
25 projects, provided the agreements are made voluntarily and
26 without coercion.

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 except in charter counties or counties having a population of
9 500,000 or more;

10 (b) Discriminate against bidders, offerors,
11 contractors, or subcontractors for refusing to become or
12 remain signatories or otherwise adhere to agreements with one
13 or more labor organizations on the same or related
14 construction projects except in charter counties or counties
15 having a population of 500,000 or more; 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 become members of or become affiliated with a
20 labor organization except in charter counties or counties
21 having a population of 500,000 or more.

22 (4) Any bidder, offeror, contractor, or subcontractor
23 that may suffer injury as a direct result of the operation of
24 a bid specification, project agreement, or other controlling
25 document that violates this act shall have standing to
26 challenge those bid specifications, project agreements, or
27 other controlling documents. The bidder, offeror, contractor,
28 or subcontractor that prevails in such challenge shall be
29 entitled to an award of its reasonable attorney's fees and
30 costs.

31 Section 2. This act shall take effect October 1, 2001.