

By Senator Brandes

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1                   A bill to be entitled  
2       An act relating to public works projects; providing  
3       definitions; prohibiting state and political  
4       subdivisions that contract for the construction,  
5       maintenance, repair, or improvement of public works  
6       from imposing certain conditions on certain  
7       contractors, subcontractors, or material suppliers or  
8       carriers; providing an exception; prohibiting state  
9       and political subdivisions from restricting qualified  
10      bidders from submitting bids, being awarded any bid or  
11      contract, or performing work on a public works  
12      project; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. Project labor agreements for certain publicly  
17 funded public works projects.-

18       (1) As used in this section, the term:

19       (a) "Political subdivision" means a separate agency or unit  
20 of local government created or established by law or ordinance  
21 and the officers thereof. The term includes, but is not limited  
22 to, a county; a city, town, or other municipality; or a  
23 department, commission, authority, school district, tax  
24 district, water management district, board, public corporation,  
25 institution of higher education, or other public agency or body  
26 authorized to expend public funds for construction, maintenance,  
27 repair, or improvement of public works.

28       (b) "Project labor agreement" means an arrangement  
29 mentioned, detailed, or outlined within the project plans, the

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30 specifications, or any bidding document of a public works  
31 project that:

32 1. Imposes requirements, controls, or limitations on  
33 staffing, sources of employee referrals, assignments of work,  
34 sources of insurance or benefits, including health, life, and  
35 disability insurance and retirement pensions, training programs  
36 or standards, or wages; or

37 2. Requires a contractor to enter into any sort of  
38 agreement as a condition of submitting a bid that directly or  
39 indirectly limits or requires the contractor to recruit, train,  
40 or hire employees from a particular source to perform work on  
41 public works or a public works project.

42 (c) "Public works" or "public works project" means a  
43 building, road, street, sewer, storm drain, water system, site  
44 development, irrigation system, reclamation project, gas or  
45 electrical distribution system, gas or electrical substation, or  
46 other facility, project, or portion thereof, including repair,  
47 renovation, or remodeling, owned, in whole or in part, by any  
48 political subdivision that is to be paid for in whole or in part  
49 with state funds.

50 (2) (a) Except as provided in paragraph (b) or as required  
51 by federal or state law, the state or any political subdivision  
52 that contracts for the construction, maintenance, repair, or  
53 improvement of public works may not require that a contractor,  
54 subcontractor, or material supplier or carrier engaged in the  
55 construction, maintenance, repair, or improvement of public  
56 works:

57 1. Pay employees a predetermined amount of wages or wage  
58 rate;

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59       2. Provide employees a specified type, amount, or rate of  
60 employee benefits;

61       3. Control or limit staffing;

62       4. Recruit, train, or hire employees from a designated or  
63 single source;

64       5. Designate any particular assignment of work for  
65 employees;

66       6. Participate in proprietary training programs; or

67       7. Enter into any type of project labor agreement.

68       (b) Paragraph (a) does not apply if the payment of  
69 prevailing or minimum wages to persons working on projects  
70 funded in whole or in part by federal funds is required under  
71 federal law.

72       (3) The state or any political subdivision that contracts  
73 for the construction, maintenance, repair, or improvement of  
74 public works shall not require that a contractor, subcontractor,  
75 or material supplier or carrier engaged in the construction,  
76 maintenance, repair, or improvement of public works execute or  
77 otherwise become a party to any agreement with employees, their  
78 representatives, or any labor organization as described in 29  
79 U.S.C. s. 152(5) and 42 U.S.C. s. 2000e(d), including any area-  
80 wide, regional, or state building or construction trade or  
81 crafts council, organization, association, or similar body, as a  
82 condition of bidding, negotiating, being awarded any bid or  
83 contract, or performing work on a public works project.

84       (4) The state or any political subdivision that contracts  
85 for the construction, maintenance, repair, or improvement of any  
86 public works project may not prohibit a contractor,  
87 subcontractor, or material supplier or carrier engaged in the

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88 construction, maintenance, repair, or improvement of public  
89 works who is qualified, licensed, or certified to do any of the  
90 work described in the bid documents from submitting bids, being  
91 awarded any bid or contract, or performing work on a public  
92 works project.

93 Section 2. This act shall take effect upon becoming a law.