

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-02129-15

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1 A bill to be entitled
2 An act relating to public works projects; providing
3 definitions; prohibiting the 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 the
9 state and political subdivisions from imposing certain
10 restrictions on qualified bidders; providing an
11 effective date.

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

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15 Section 1. Project labor agreements for certain publicly
16 funded public works projects.—

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

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

27 (b) "Project labor agreement" means an arrangement
28 mentioned, detailed, or outlined within the project plans, the
29 specifications, or any bidding document of a public works

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30 project that:

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

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

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

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

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

58 2. Provide employees a specified type, amount, or rate of

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59 employee benefits;

60 3. Control or limit staffing;

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

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

65 6. Participate in proprietary training programs, unless
66 such training is a condition of a product warranty or guarantee;
67 or

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

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

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

85 (4) The state or any political subdivision that contracts
86 for the construction, maintenance, repair, or improvement of any
87 public works project may not prohibit any contractor,

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88 subcontractor, or material supplier or carrier engaged in the
89 construction, maintenance, repair, or improvement of public
90 works who is qualified, licensed, or certified as required by
91 state law to perform such work from submitting a bid, being
92 awarded a bid or contract upon being selected, negotiating a
93 contract upon being awarded, or performing work on a public
94 works project.

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