

By Senator Berman

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1 A bill to be entitled
2 An act relating to state procurement; creating s.
3 287.0921, F.S.; requiring the Department of Management
4 Services to establish a certification program for
5 vendors who pay their employees equal pay for equal
6 work without regard to gender, subject to available
7 resources; requiring the department to adopt certain
8 rules to implement and administer the program;
9 requiring the department to include the vendor's
10 certification in its records; authorizing a certified
11 vendor to include its certification in advertising and
12 promotional materials; providing a penalty for a
13 vendor who makes a material misrepresentation or
14 commits a fraudulent act in regard to self-
15 certification; providing a limited bidding preference
16 for certified vendors if certain conditions are met;
17 prescribing reporting requirements; authorizing the
18 department to cooperate and coordinate with certain
19 governmental entities in carrying out the act;
20 providing for applicability; authorizing the
21 department to initiate rulemaking upon the act
22 becoming a law; providing effective dates.

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

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26 Section 1. Section 287.0921, Florida Statutes, is created
27 to read:

28 287.0921 Equal pay certification for vendors; bid
29 preference.-

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30 (1) Within the limits of available resources, the
31 department shall establish a program to certify vendors that pay
32 their employees equal pay for equal work without regard to
33 gender.

34 (2) The department shall adopt rules to implement and
35 administer the certification program. At a minimum, the rules
36 must include:

37 (a) A method for a vendor to self-certify that the vendor
38 pays its employees equal pay for equal work without regard to
39 gender.

40 (b) The manner of certification by the Secretary of
41 Management Services of a vendor that fulfills the requirements
42 of self-certification.

43 (3) If the secretary certifies a vendor in accordance with
44 the rules adopted pursuant to subsection (2):

45 (a) The department must include the vendor's certified
46 status in records concerning the vendor which are held by the
47 department or made available on the department's website.

48 (b) The vendor may acknowledge its certification in its
49 advertising, marketing, or other promotional materials.

50 (4) (a) If the department determines that a vendor has made
51 a material misrepresentation or otherwise committed a fraudulent
52 act in self-certifying in accordance with the rules adopted
53 pursuant to subsection (2), the vendor may be prohibited, for a
54 period of up to 36 months, from:

55 1. Self-certifying that the vendor pays its employees equal
56 pay for equal work without regard to gender; and

57 2. Submitting a bid or proposal to an agency.

58 (b) The vendor may, under chapter 120, seek administrative

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59 review under chapter 120 of the department's determination made
60 pursuant to paragraph (a).

61 (5) If an agency is required to make purchases of personal
62 property through competitive solicitation, a bid or proposal
63 submitted by a vendor who is certified in accordance with
64 subsection (2) must be granted a preference of 5 percent if:

65 (a) Two or more of the lowest bids or proposals are within
66 5 percent of each other;

67 (b) None of the bids or proposals are submitted by a vendor
68 whose principal place of business is within this state; and

69 (c) One or more of the lowest bids or proposals is
70 submitted by a vendor who is certified by the Secretary of
71 Management Services in accordance with subsection (2).

72 (6) On or before October 1 of each year, the department
73 shall submit a report to the Governor, the President of the
74 Senate, and the Speaker of the House of Representatives which
75 includes, for the immediately preceding fiscal year:

76 (a) The number of vendors certified pursuant to subsection
77 (2).

78 (b) The number of certified vendors that submitted a bid or
79 proposal to an agency.

80 (c) The number of certified vendors that were awarded a
81 contract by an agency.

82 (d) The number of certified vendors that were disciplined
83 pursuant to subsection (4).

84 (7) In carrying out the provisions of this section, the
85 department may cooperate and coordinate with the Department of
86 Economic Opportunity, the Florida Commission on Human Relations,
87 the Florida Commission on the Status of Women, and any other

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88 office, department, board, commission, or agency of state
89 government that has appropriate expertise.

90 (8) This section does not apply to any state contract that
91 is advertised, bid, offered, or awarded before January 1, 2020.

92 Section 2. Effective upon this act becoming a law, the
93 Department of Management Services may initiate rulemaking for
94 purposes of implementing and administering the equal pay
95 certification program established in s. 287.0921, Florida
96 Statutes, as created by this act.

97 Section 3. Except as otherwise expressly provided in this
98 act and except for this section, which shall take effect upon
99 becoming a law, this act shall take effect January 1, 2020.