

By Representative Trovillion

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          providing an effective date.

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

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22                   Section 1. (1) This act may be cited as the "Open  
23 Contracting Act."24                   (2) The purpose of this act is to prohibit public  
25 entities from imposing certain labor requirements as a  
26 condition of performing public works.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 (b) Discriminate against bidders, offerors,  
9 contractors, or subcontractors for refusing to become or  
10 remain signatories or otherwise adhere to agreements with one  
11 or more labor organizations on the same or related  
12 construction projects; or  
13 (c) Require any bidder, offeror, contractor, or  
14 subcontractor to enter into, adhere to, or enforce any  
15 agreement that requires its employees, as a condition of  
16 employment, to:  
17 1. Become members of or become affiliated with a labor  
18 organization; or  
19 2. Pay dues or fees to a labor organization, over an  
20 employee's objection, in excess of the employee's share of  
21 labor organization's costs relating to collective bargaining,  
22 contract administration, or grievance adjustment.  
23 (4) The state, and any political subdivision, agency,  
24 or instrumentality of the state:  
25 (a) Shall not award any grant or enter into any  
26 cooperative agreement for any construction project a condition  
27 of which grant or agreement requires that bid specifications,  
28 project agreements, or other controlling documents pertaining  
29 to the grant or cooperative agreement contain any of the  
30 provisions prohibited under subsection (3).  
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1           (b) Shall exercise any authority necessary to preclude  
2 a grant recipient or party to a cooperative agreement from  
3 imposing any of provisions prohibited under subsection (3) in  
4 connection with the award of any grant or the entering into of  
5 any cooperative agreement.

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

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

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16           HOUSE SUMMARY

17           Prohibits public entities from procuring products or  
18 services, contracting for public construction, awarding  
19 grants, or entering into cooperative agreements which  
20 contain provisions relating to required association or  
affiliation with labor organizations. See bill for  
21 details.

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