

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 the
 9 state and political subdivisions from restricting
 10 qualified bidders from submitting bids, being awarded
 11 bids or contracts upon being selected, negotiating
 12 contracts upon being awarded the bids or contracts, or
 13 performing work on a public works project; providing
 14 an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. (1) As used in this section, the term:
 19 (a) "Political subdivision" means a separate agency or
 20 unit of local government created or established by law or
 21 ordinance and the officers thereof. The term includes, but is
 22 not limited to, a county; a city, town, or other municipality;
 23 or a 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
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;

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, unless
67 such training is a condition of a product warranty or guarantee;

68 or

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

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

74 (3) The state or any political subdivision that contracts
75 for the construction, maintenance, repair, or improvement of
76 public works shall not require that a contractor, subcontractor,
77 or material supplier or carrier engaged in the construction,

78 maintenance, repair, or improvement of public works execute or
79 otherwise become a party to any agreement with employees, their
80 representatives, or any labor organization as described in 29
81 U.S.C. s. 152(5) and 42 U.S.C. s. 2000e(d), including any area-
82 wide, regional, or state building or construction trade or
83 crafts council, organization, association, or similar body, as a
84 condition of bidding, negotiating, being awarded any bid or
85 contract, or performing work on a public works project.

86 (4) The state or any political subdivision that contracts
87 for the construction, maintenance, repair, or improvement of any
88 public works project may not prohibit any contractor,
89 subcontractor, or material supplier or carrier engaged in the
90 construction, maintenance, repair, or improvement of public
91 works who is qualified, licensed, or certified as required by
92 state law to perform such work from submitting a bid, being
93 awarded a bid or contract upon being selected, negotiating a
94 contract upon being awarded the bid or contract, or performing
95 work on a public works project.

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