

By the Committee on Commerce; and Senators Gelber, Rich, Detert, Garcia, Crist, Oelrich, Sobel, Justice, and Smith

577-03107A-10

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1 A bill to be entitled

2 An act relating to the workforce; requiring that job
3 orders placed with the state's job bank system for the
4 purpose of hiring certain nonagricultural workers
5 under a federal temporary visa program remain active
6 for a specified period; requiring a job order to be
7 posted within the area of intended employment;
8 requiring that construction contracts funded by state
9 funds contain a provision requiring the contractor to
10 give preference to the employment of Florida residents
11 if they have substantially equal qualifications as
12 nonresidents; defining the term "substantially equal
13 qualifications"; providing for severability; providing
14 an effective date.

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

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18 Section 1. Job orders placed in connection with application
19 for workers under H-2B visa category.-If an employer places a
20 job order with a regional workforce board pursuant to the
21 federal certification process for nonagricultural workers under
22 20 C.F.R. part 655, Subpart A, as amended, or if the employer
23 posts such a job listing on the state's job bank system, the job
24 order must remain active for at least 30 calendar days. Each
25 employer posting such a job order or a federally required print
26 advertisement required by 20 C.F.R. part 655, Subpart A, as
27 amended, must place such advertisement within 30 miles of the
28 area of intended employment.

29 Section 2. Preference to Florida residents.-Each contract

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30 for construction which is funded by state funds must contain a
31 provision requiring the contractor to give preference to the
32 employment of state residents in the performance of the work on
33 the project if state residents have substantially equal
34 qualifications to those of nonresidents. A contract for
35 construction funded by local funds may contain such a provision.
36 As used in this section, "substantially equal qualifications"
37 means the qualifications of two or more persons among whom the
38 employer cannot make a reasonable determination that the
39 qualifications held by one person are better suited for the
40 position than the qualifications held by the other parties. No
41 contract shall be let to any person refusing to execute an
42 agreement containing the aforementioned provisions. However, in
43 work involving the expenditure of federal aid funds, this
44 section may not be enforced in such a manner as to conflict with
45 or be contrary to federal law prescribing a labor preference to
46 honorably discharged soldiers, sailors, and marines, or
47 prohibiting as unlawful any other preference or discrimination
48 among the citizens of the United States.

49 Section 3. If any provision of this act or the application
50 thereof to any person or circumstance is held invalid, the
51 invalidity does not affect other provisions or applications of
52 the act which can be given effect without the invalid provision
53 or application, and to this end the provisions of this act are
54 severable.

55 Section 4. This act shall take effect July 1, 2010.