

By the Committee on Commerce and Economic Opportunities; and
Senator Peadar

310-2006-02

1 A bill to be entitled
2 An act relating to local government;
3 prohibiting local governments from requiring
4 employers to pay a minimum wage other than a
5 federal minimum wage; providing exceptions;
6 providing an effective date.
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8 WHEREAS, promoting the economic growth and prosperity
9 of its citizens is among the most important responsibilities
10 of the state, and
11 WHEREAS, this economic growth and prosperity depends
12 upon maintaining a stable business climate that will attract
13 new employers to the state and allow existing employers to
14 grow, and
15 WHEREAS, with regard to worker wages, federal minimum
16 wage provisions strike the necessary balance between the
17 interests of workers and their employers, and
18 WHEREAS, allowing each local government to establish
19 minimum wage levels in their individual jurisdictions higher
20 than those required by federal law would threaten to drive
21 businesses out of these communities and out of the state in
22 search of a more favorable and uniform business environment,
23 and
24 WHEREAS, higher minimum wage standards differing from
25 one locale to another would encourage residents to conduct
26 their business in jurisdictions where wage costs, and hence
27 prices, are lower, and
28 WHEREAS, such artificial constraints would disrupt
29 Florida's economy and threaten the public welfare, NOW,
30 THEREFORE,
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. (1) As used in this section, the term:

4 (a) "Federal minimum wage" means a minimum wage
5 required under federal law, including the federal Fair Labor
6 Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.

7 (b) "Minimum wage" means a minimum rate of
8 compensation for employment.

9 (c) "Political subdivision" means a county,
10 municipality, department, commission, district, board, or
11 other public body, whether corporate or otherwise, created by
12 or under state law.

13 (2) Except as otherwise provided in subsection (3), no
14 political subdivision may establish, mandate, or otherwise
15 require an employer to pay a minimum wage, other than a
16 federal minimum wage, or to apply a federal minimum wage to
17 wages exempt from such a federal minimum wage.

18 (3) This section does not limit the authority of a
19 political subdivision to establish a minimum wage other than a
20 federal minimum wage:

21 (a) For the employees of the political subdivision;

22 (b) For the employees of an employer contracting to
23 provide goods or services for the political subdivision, or
24 for the employees of a subcontractor of such an employer,
25 under the terms of a contract with the political subdivision;
26 or

27 (c) For the employees of an employer receiving a
28 direct tax abatement or subsidy from the political
29 subdivision, as a condition of the direct tax abatement or
30 subsidy.

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

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 1902

7 The committee substitute defines the terms "federal minimum
8 wage" and "minimum wage"; replaces specific references to the
9 federal minimum wage and the term "wage" set forth in the
10 federal Fair Labor Standards Act with general references to a
11 federal minimum wage required under federal law, including the
12 Fair Labor Standards Act; prohibits a political subdivision
13 from requiring employers to pay a minimum wage, other than a
14 wages exempt from such a federal minimum wage; and clarifies
15 that political subdivisions may establish a minimum wage under
16 contract with an employer providing goods or services to the
17 political subdivision only for the employees of that employer
18 or for the employees of the employer's subcontractor.
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