

By the Committee on Comprehensive Planning; and Senators  
Constantine, Fasano, Cowin, Wise and Lynn

316-2219-03

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A bill to be entitled  
An act relating to local government; providing  
definitions; prohibiting local governments from  
requiring employers to pay a minimum wage other  
than a federal minimum wage; providing  
exceptions; providing an effective date.

WHEREAS, promoting the economic growth and prosperity  
of its citizens is among the most important responsibilities  
of the state, and

WHEREAS, this economic growth and prosperity depends  
upon maintaining a stable business climate that will attract  
new employers to the state and allow existing employers to  
grow, and

WHEREAS, with regard to worker wages, federal minimum  
wage provisions strike the necessary balance between the  
interests of workers and their employers, and

WHEREAS, allowing each local government to establish  
minimum wage levels in their individual jurisdictions higher  
than those required by federal law would threaten to drive  
businesses out of these communities and out of the state in  
search of a more favorable and uniform business environment,  
and

WHEREAS, higher minimum wage standards differing from  
one locale to another would encourage residents to conduct  
their business in jurisdictions where wage costs, and hence  
prices, are lower, and

WHEREAS, such artificial constraints would disrupt  
Florida's economy and threaten the public welfare, NOW,  
THEREFORE,

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) "Employee" means any natural person who is  
5 entitled under federal law to receive a federal minimum wage.

6 (b) "Employer" means any person who is required under  
7 federal law to pay a federal minimum wage to the person's  
8 employees.

9 (c) "Employer contracting to provide goods or services  
10 for the political subdivision" means a person contracting with  
11 the political subdivision to provide goods or services to, for  
12 the benefit of, or on behalf of, the political subdivision in  
13 exchange for valuable consideration, and includes a person  
14 leasing or subleasing real property owned by the political  
15 subdivision.

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

19 (e) "Political subdivision" means a county,  
20 municipality, department, commission, district, board, or  
21 other public body, whether corporate or otherwise, created by  
22 or under state law.

23 (f) "Wage" means that compensation for employment to  
24 which any federal minimum wage applies.

25 (2) Except as otherwise provided in subsection (3), a  
26 political subdivision may not establish, mandate, or otherwise  
27 require an employer to pay a minimum wage, other than a  
28 federal minimum wage, or to apply a federal minimum wage to  
29 wages exempt from a federal minimum wage.

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

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

5           (b) For the employees of an employer contracting to  
6 provide goods or services for the political subdivision, or  
7 for the employees of a subcontractor of such an employer,  
8 under the terms of a contract with the political subdivision;  
9 or

10           (c) For the employees of an employer receiving a  
11 direct tax abatement or subsidy from the political  
12 subdivision, as a condition of the direct tax abatement or  
13 subsidy.

14           (4) If it is determined by the officer or agency  
15 responsible for distributing federal funds to a political  
16 subdivision that compliance with this act would prevent  
17 receipt of those federal funds, or would otherwise be  
18 inconsistent with federal requirements pertaining to such  
19 funds, then this act shall not apply, but only to the extent  
20 necessary to allow receipt of the federal funds or to  
21 eliminate the inconsistency with such federal requirements.

22           Section 2. This act shall not prohibit a federally  
23 authorized and recognized tribal government from establishing  
24 a minimum wage in excess of the federal minimum wage for  
25 natural persons employed within any territory over which the  
26 tribe has jurisdiction.

27           Section 3. This act shall take effect upon becoming a  
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 54

This CS differs from the bill as filed in the following ways:

- \* It adds a definition for employee, employer, "employer contracting to provide goods or services for the political subdivision," and wage;
- \* Provides that the act will not apply if it is determined that compliance with this act would prevent receipt of federal funds to a political subdivision; and
- \* Provides that this act does not prohibit a federally authorized and recognized tribal government from establishing a minimum wage in excess of the federal minimum wage for natural persons employed within any territory over which the tribe has jurisdiction.