

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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:

2

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.

30

31

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.

29
30
31