A bill to be entitled
An act relating to political subdivisions; amending s. 218.077, F.S.; providing and revising definitions; prohibiting political subdivisions from requiring employers to provide certain employment benefits; prohibiting political subdivisions from requiring, or awarding preference on the basis of, certain wages or employment benefits when contracting for goods or services; conforming provisions to constitutional requirements relating to the state minimum wage; providing an effective date.

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

Section 1. Section 218.077, Florida Statutes, is amended to read:

218.077 Minimum Wage and employment benefits requirements by political subdivisions; restrictions.—

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

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

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

(c) "Employer contracting to provide goods or services for the political subdivision" means a person contracting with the political subdivision to provide goods or services to, for the

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benefit of, or on behalf of, the political subdivision in
exchange for valuable consideration, and includes a person
leasing or subleasing real property owned by the political
subdivision.

(d) "Employment benefits" means anything of value that an
employee may receive from an employer in addition to wages and
salary. The term includes, but is not limited to, health
benefits; disability benefits; death benefits; group accidental
death and dismemberment benefits; paid or unpaid days off for
holidays, sick leave, vacation, and personal necessity;
retirement benefits; and profit-sharing benefits.

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

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

(g) "State minimum wage" means a minimum wage required
under the State Constitution or state law, including s. 24, Art.
X of the State Constitution and s. 448.110.

(h) "Wage" means that compensation for employment to
which any state or federal minimum wage applies.

(2) Except as otherwise provided in subsection (3), a
political subdivision may not:

(a) Establish, mandate, or otherwise require an employer
to pay a minimum wage, other than a state or federal minimum
wage, or to apply a state or federal minimum wage to wages

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exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

(b) Require a minimum wage, other than a state or federal minimum wage, or employment benefits not otherwise required by state or federal law for the employees of an employer:

1. Contracting to provide goods or services for the political subdivision, or the employees of a subcontractor of such an employer, under the terms of a contract with the political subdivision.

2. Receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.

(c) Award preferences on the basis of wages or employment benefits provided to employees by an employer when contracting to provide for goods and services for the political subdivision.

(3) This section does not limit the authority of a political subdivision to establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law:

(a) for the employees of the political subdivision;

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

(c) For the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.
(4) If it is determined by the officer or agency responsible for distributing federal funds to a political subdivision that compliance with this act would prevent receipt of those federal funds, or would otherwise be inconsistent with federal requirements pertaining to such funds, then this act does not apply, but only to the extent necessary to allow receipt of the federal funds or to eliminate the inconsistency with such federal requirements.

Section 2. This act shall take effect July 1, 2013.