

1 A bill to be entitled
 2 An act relating to political subdivisions; amending s.
 3 218.077, F.S.; providing and revising definitions;
 4 prohibiting political subdivisions from requiring
 5 employers to provide certain employment benefits;
 6 prohibiting political subdivisions from requiring, or
 7 awarding preference on the basis of, certain wages or
 8 employment benefits when contracting for goods or
 9 services; providing for applicability and future
 10 repeal of certain ordinances; conforming provisions to
 11 constitutional requirements relating to the state
 12 minimum wage; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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

18 218.077 ~~Minimum Wage~~ and employment benefits requirements
 19 by political subdivisions; restrictions.—

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

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

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

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

29 | political subdivision to provide goods or services to, for the
 30 | benefit of, or on behalf of, the political subdivision in
 31 | exchange for valuable consideration, and includes a person
 32 | leasing or subleasing real property owned by the political
 33 | subdivision.

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

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

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

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

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

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

55 | (a) Establish, mandate, or otherwise require an employer
 56 | to pay a minimum wage, other than a state or federal minimum

57 | wage, ~~or~~ to apply a state or federal minimum wage to wages
 58 | exempt from a state or federal minimum wage, or to provide
 59 | employment benefits not otherwise required by state or federal
 60 | law.

61 | (b) Require a minimum wage, other than a state or federal
 62 | minimum wage, or employment benefits not otherwise required by
 63 | state or federal law for the employees of an employer
 64 | contracting to provide goods or services for the political
 65 | subdivision, or the employees of a subcontractor of such an
 66 | employer, under the terms of a contract with the political
 67 | subdivision.

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

71 | (3)(a) A living wage ordinance that is in effect on July
 72 | 1, 2013, shall remain in effect through July 1, 2016, after
 73 | which such ordinance is repealed.

74 | (b) This section does not:

75 | 1. Limit the authority of a political subdivision to
 76 | establish a minimum wage other than a state or federal minimum
 77 | wage or to provide employment benefits not otherwise required
 78 | under state or federal law;

79 | ~~(a) for the employees of the political subdivision.~~

80 | 2. Apply to a domestic violence ordinance, order, rule, or
 81 | policy adopted by a political subdivision.

82 | 3. Apply to contracts entered into or procurements issued
 83 | before July 1, 2013.

84 | ~~(b) For the employees of an employer contracting to~~

CS/HB 655

2013

85 ~~provide goods or services for the political subdivision, or for~~
86 ~~the employees of a subcontractor of such an employer, under the~~
87 ~~terms of a contract with the political subdivision; or~~

88 ~~(c) For the employees of an employer receiving a direct~~
89 ~~tax abatement or subsidy from the political subdivision, as a~~
90 ~~condition of the direct tax abatement or subsidy.~~

91 (4) If it is determined by the officer or agency
92 responsible for distributing federal funds to a political
93 subdivision that compliance with this act would prevent receipt
94 of those federal funds, or would otherwise be inconsistent with
95 federal requirements pertaining to such funds, then this act
96 does ~~shall~~ not apply, but only to the extent necessary to allow
97 receipt of the federal funds or to eliminate the inconsistency
98 with such federal requirements.

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