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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SEN1/C
04/26/2013 12:56 PM	.	05/02/2013 05:42 PM
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Senator Simmons moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



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14 or federal law to pay a state or federal minimum wage to the  
15 person's employees.

16 (c) "Employer contracting to provide goods or services for  
17 the political subdivision" means a person contracting with the  
18 political subdivision to provide goods or services to, for the  
19 benefit of, or on behalf of, the political subdivision in  
20 exchange for valuable consideration, and includes a person  
21 leasing or subleasing real property owned by the political  
22 subdivision.

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

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

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

37 (g)~~(f)~~ "Wage" means that compensation for employment to  
38 which any state or federal minimum wage applies.

39 (2) Except as otherwise provided in subsection (3), a  
40 political subdivision may not establish, mandate, or otherwise  
41 require an employer to pay a minimum wage, other than a state or  
42 federal minimum wage, ~~or~~ to apply a state or federal minimum



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

46 (3) This section does not:

47 (a) Limit the authority of a political subdivision to  
48 establish a minimum wage other than a state or federal minimum  
49 wage or to provide employment benefits not otherwise required  
50 under state or federal law:

51 1.(a) For the employees of the political subdivision;

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

56 3.(c) For the employees of an employer receiving a direct  
57 tax abatement or subsidy from the political subdivision, as a  
58 condition of the direct tax abatement or subsidy.

59 (b) Apply to a domestic violence or sexual abuse ordinance,  
60 order, rule, or policy adopted by a political subdivision.

61 (4) If it is determined by the officer or agency  
62 responsible for distributing federal funds to a political  
63 subdivision that compliance with this act would prevent receipt  
64 of those federal funds, or would otherwise be inconsistent with  
65 federal requirements pertaining to such funds, then this act  
66 does shall not apply, but only to the extent necessary to allow  
67 receipt of the federal funds or to eliminate the inconsistency  
68 with such federal requirements.

69 (5) (a) There is created the Employer-Sponsored Benefits  
70 Study Task Force. Workforce Florida, Inc., shall provide  
71 administrative and staff support services relating to the



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72 functions of the task force. The task force shall organize by  
73 September 1, 2013. The task force shall be composed of 11  
74 members. The President of Workforce Florida, Inc., shall serve  
75 as a member and chair of the task force. The Speaker of the  
76 House of Representatives shall appoint one member who is an  
77 economist with a background in business economics. The President  
78 of the Senate shall appoint one member who is a physician  
79 licensed under chapter 458 or chapter 459 with at least 5 years  
80 of experience in the active practice of medicine. In addition,  
81 the President of the Senate and the Speaker of the House of  
82 Representatives shall each appoint four additional members to  
83 the task force. The four appointments from the President of the  
84 Senate and the four appointments from the Speaker of the House  
85 of Representatives must each include:

86 1. A member of the Legislature.

87 2. An owner of a business in this state which employs fewer  
88 than 50 people.

89 3. An owner or representative of a business in this state  
90 which employs more than 50 people.

91 4. A representative of an organization who represents the  
92 nonmanagement employees of a business.

93 (b) Members of the task force shall serve without  
94 compensation, but are entitled to reimbursement for per diem and  
95 travel expenses in accordance with s. 112.061.

96 (c) The purpose of the task force is to analyze employment  
97 benefits and the impact of state preemption of the regulation of  
98 such benefits. The task force shall develop a report that  
99 includes its findings and recommendations for legislative action  
100 regarding the regulation of employment benefits. The task force



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101 shall submit the report to the Governor, the President of the  
102 Senate, and the Speaker of the House of Representatives by  
103 January 15, 2014.

104 (d) This subsection is repealed June 30, 2014.

105 (6) This section does not prohibit a federally authorized  
106 and recognized tribal government from requiring employment  
107 benefits for a person employed within a territory over which the  
108 tribe has jurisdiction.

109 Section 2. For the 2013-2014 fiscal year, the sum of  
110 \$27,050 in nonrecurring funds is appropriated from the General  
111 Revenue Fund to the Department of Economic Opportunity for  
112 Workforce Florida, Inc., for operating the Employer-Sponsored  
113 Benefits Study Task Force.

114 Section 3. This act shall take effect July 1, 2013.

115  
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete everything before the enacting clause  
119 and insert:

120 A bill to be entitled  
121 An act relating to employment benefits; amending s.  
122 218.077, F.S.; providing and revising definitions;  
123 prohibiting political subdivisions from requiring  
124 employers to provide certain employment benefits;  
125 prohibiting political subdivisions from requiring, or  
126 awarding preference on the basis of, certain wages or  
127 employment benefits when contracting for goods or  
128 services; providing for applicability and future  
129 repeal of certain ordinances; conforming provisions to



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130 constitutional requirements relating to the state  
131 minimum wage; creating the Employer-Sponsored Benefits  
132 Study Task Force; directing Workforce Florida, Inc.,  
133 to provide administrative and staff support services  
134 for the task force; establishing the purpose and  
135 composition of the task force; providing for  
136 reimbursement for per diem and travel expenses;  
137 requiring the task force to submit a report to the  
138 Governor and the Legislature by a specified date;  
139 providing report requirements; providing for future  
140 repeal of the task force; providing that the act does  
141 not prohibit a federally authorized or recognized  
142 tribal government from requiring employment benefits  
143 under certain conditions; providing an appropriation;  
144 providing an effective date.