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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/25/2013 11:55 AM

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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



533944

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



533944

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 or sexual ordinance, order, rule,
60 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



533944

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



533944

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



533944

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.