



192142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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	.	

The Committee on Community Affairs (Gruters) recommended 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 Wage Mandate Preemption Act ~~and employment benefits requirements by political subdivisions; restrictions.~~

(1) This section may be cited as the "Wage Mandate Preemption Act."



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11 (2) As used in this section, the term:

12 (a) "Employ" has the same meaning as established under the
13 federal Fair Labor Standards Act and its implementing
14 regulations.

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

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

21 ~~(c) "Employer contracting to provide goods or services for~~
22 ~~the political subdivision" means a person contracting with the~~
23 ~~political subdivision to provide goods or services to, for the~~
24 ~~benefit of, or on behalf of, the political subdivision in~~
25 ~~exchange for valuable consideration, and includes a person~~
26 ~~leasing or subleasing real property owned by the political~~
27 ~~subdivision.~~

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

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

38 (f) "Political subdivision" means a county, municipality,
39 department, commission, district, board, or other public body,



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40 whether corporate or otherwise, created by or under state law.

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

43 (h) "Wage mandate" means any requirement enacted by a
44 political subdivision which requires an employer to pay any or
45 all of its employees a wage rate not otherwise required under
46 state or federal law.

47 (3)(2) Except as otherwise provided in subsection (4) (3),
48 a political subdivision may not enact establish, maintain
49 mandate, or enforce by charter, ordinance, purchase agreement,
50 contract, regulation, rule, or resolution, either directly or
51 indirectly, a wage mandate in an amount greater than the state
52 minimum wage rate calculated pursuant to s. 24, Art. X of the
53 State Constitution or the federal minimum wage rate. Any wage
54 mandate that conflicts with this subsection is void.

55 Additionally, a political subdivision may not otherwise require
56 an employer to pay a minimum wage, other than a state or federal
57 minimum wage, to apply a state or federal minimum wage to wages
58 exempt from a state or federal minimum wage, or require an
59 employer to provide employment benefits not otherwise required
60 by state or federal law.

61 (4)(3) This section does not:

62 (a) Limit the authority of a political subdivision to
63 enact, maintain, or enforce, through a collective bargaining
64 agreement or other means, establish a minimum wage requirement
65 other than a state or federal minimum wage or to provide
66 employment benefits not otherwise required under state or
67 federal law:

68 1. For the employees of the political subdivision; or



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69 2. ~~For the employees of an employer contracting to provide~~
70 ~~goods or services for the political subdivision, or for the~~
71 ~~employees of a subcontractor of such an employer, under the~~
72 ~~terms of a contract with the political subdivision; or~~

73 ~~3.~~ For the employees of an employer receiving a direct tax
74 abatement or subsidy from the political subdivision, as a
75 condition of the direct tax abatement or subsidy.

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

78 (c) Limit, restrict, or expand a prevailing wage required
79 under state law.

80 (5)~~(4)~~ If it is determined by the officer or agency
81 responsible for distributing federal funds to a political
82 subdivision that compliance with this act would prevent receipt
83 of those federal funds, or would otherwise be inconsistent with
84 federal requirements pertaining to such funds, then this act
85 does not apply, but only to the extent necessary to allow
86 receipt of the federal funds or to eliminate the inconsistency
87 with such federal requirements.

88 (6)~~(5)~~ This section does not prohibit a federally
89 authorized and recognized tribal government from requiring
90 employment benefits for a person employed within a territory
91 over which the tribe has jurisdiction.

92 Section 2. This act shall take effect upon becoming a law.

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete everything before the enacting clause
97 and insert:



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98 A bill to be entitled
99 An act relating to preemption of local government wage
100 mandates; amending s. 218.077, F.S.; providing a short
101 title; defining the terms "employ" and "wage mandate";
102 deleting the definition of the term "employer
103 contracting to provide goods or services for the
104 political subdivision"; revising prohibitions relating
105 to political subdivisions enacting, maintaining, or
106 enforcing wage mandates in an amount greater than the
107 state or federal minimum wage; specifying that any
108 wage mandate that conflicts with such prohibitions is
109 void; revising applicability; providing construction;
110 providing an effective date.