

By the Committee on Community Affairs; and Senator Gruters

578-02651-22

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1 A bill to be entitled
2 An act relating to preemption of local government wage
3 mandates; amending s. 218.077, F.S.; providing a short
4 title; defining the terms "employ" and "wage mandate";
5 deleting the definition of the term "employer
6 contracting to provide goods or services for the
7 political subdivision"; revising prohibitions relating
8 to political subdivisions enacting, maintaining, or
9 enforcing wage mandates in an amount greater than the
10 state or federal minimum wage; specifying that any
11 wage mandate that conflicts with such prohibitions is
12 void; revising applicability; providing construction;
13 providing an effective date.

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

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

19 218.077 Wage Mandate Preemption Act ~~and employment benefits~~
20 ~~requirements by political subdivisions; restrictions.-~~

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

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

24 (a) "Employ" has the same meaning as established under the
25 federal Fair Labor Standards Act and its implementing
26 regulations.

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

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

33 ~~(c) "Employer contracting to provide goods or services for
34 the political subdivision" means a person contracting with the
35 political subdivision to provide goods or services to, for the
36 benefit of, or on behalf of, the political subdivision in
37 exchange for valuable consideration, and includes a person
38 leasing or subleasing real property owned by the political
39 subdivision.~~

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

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

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

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

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

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59 (3) ~~(2)~~ Except as otherwise provided in subsection (4) ~~(3)~~,
60 a political subdivision may not enact ~~establish~~, maintain
61 ~~mandate~~, or enforce by charter, ordinance, purchase agreement,
62 contract, regulation, rule, or resolution, either directly or
63 indirectly, a wage mandate in an amount greater than the state
64 minimum wage rate calculated pursuant to s. 24, Art. X of the
65 State Constitution or the federal minimum wage rate. Any wage
66 mandate that conflicts with this subsection is void.
67 Additionally, a political subdivision may not ~~otherwise require~~
68 ~~an employer to pay a minimum wage, other than a state or federal~~
69 ~~minimum wage, to apply a state or federal minimum wage to wages~~
70 ~~exempt from a state or federal minimum wage, or~~ require an
71 employer to provide employment benefits not otherwise required
72 by state or federal law.

73 (4) ~~(3)~~ This section does not:

74 (a) Limit the authority of a political subdivision to
75 enact, maintain, or enforce, through a collective bargaining
76 agreement or other means, establish a minimum wage requirement
77 other than a state or federal minimum wage or to provide
78 employment benefits not otherwise required under state or
79 federal law:

- 80 1. For the employees of the political subdivision; or
- 81 2. ~~For the employees of an employer contracting to provide~~
82 ~~goods or services for the political subdivision, or for the~~
83 ~~employees of a subcontractor of such an employer, under the~~
84 ~~terms of a contract with the political subdivision; or~~
- 85 3. For the employees of an employer receiving a direct tax
86 abatement or subsidy from the political subdivision, as a
87 condition of the direct tax abatement or subsidy.

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

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

92 (5)~~(4)~~ If it is determined by the officer or agency
93 responsible for distributing federal funds to a political
94 subdivision that compliance with this act would prevent receipt
95 of those federal funds, or would otherwise be inconsistent with
96 federal requirements pertaining to such funds, then this act
97 does not apply, but only to the extent necessary to allow
98 receipt of the federal funds or to eliminate the inconsistency
99 with such federal requirements.

100 (6)~~(5)~~ This section does not prohibit a federally
101 authorized and recognized tribal government from requiring
102 employment benefits for a person employed within a territory
103 over which the tribe has jurisdiction.

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