

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local Administration &
2 Veterans Affairs Subcommittee
3 Representative Harding offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 218.077, Florida Statutes, is amended
8 to read:

9 218.077 ~~Wage and employment benefits requirements by~~
10 ~~political subdivisions; restrictions~~ Wage Mandate Preemption
11 Act.—

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

14 (2)~~(1)~~ As used in this section, the term:

Amendment No.

15 (a) "Employ" has the same meaning as established under the
16 federal Fair Labor Standards Act and its implementing
17 regulations.

18 (b)-(a) "Employee" means any natural person who is
19 entitled under state or federal law to receive a state or
20 federal minimum wage.

21 (c)-(b) "Employer" means any person who is required under
22 state or federal law to pay a state or federal minimum wage to
23 the person's employees.

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

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

Amendment No.

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

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

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

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

50 (3)-(2) Except as otherwise provided in subsection (4)-(3),
51 a political subdivision may not ~~establish~~ enact, mandate
52 maintain, or otherwise require an employer to pay a minimum
53 wage, other than a state or federal minimum wage, enforce by
54 charter, ordinance, purchase agreement, contract, regulation,
55 rule, or resolution, either directly or indirectly, a wage
56 mandate in an amount greater than the state minimum wage rate,
57 calculated pursuant to s. 24, Art. X of the State Constitution,
58 or the federal minimum wage rate. Any wage mandate that
59 conflicts with this subsection is void. Additionally, a
60 political subdivision may not ~~to~~ apply a state or federal
61 minimum wage to wages exempt from a state or federal minimum

Amendment No.

62 wage, or require an employer to provide employment benefits not
63 otherwise required by state or federal law.

64 ~~(4)-(3)~~ This section does not:

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

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

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

76 23. For the employees of an employer receiving a direct
77 tax abatement or subsidy from the political subdivision, as a
78 condition of the direct tax abatement or subsidy.

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

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

84 ~~(5)-(4)~~ If it is determined by the officer or agency
85 responsible for distributing federal funds to a political
86 subdivision that compliance with this act would prevent receipt

Amendment No.

87 of those federal funds, or would otherwise be inconsistent with
88 federal requirements pertaining to such funds, then this act
89 does not apply, but only to the extent necessary to allow
90 receipt of the federal funds or to eliminate the inconsistency
91 with such federal requirements.

92 ~~(6)-(5)~~ This section does not prohibit a federally
93 authorized and recognized tribal government from requiring
94 employment benefits for a person employed within a territory
95 over which the tribe has jurisdiction.

96 Section 2. This act shall take effect upon becoming law.

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99 **T I T L E A M E N D M E N T**

100 Remove everything before the enacting clause and insert:
101 An act relating to preemption of local government wage mandates;
102 amending s. 218.077, F.S.; providing a short title; providing
103 definitions; prohibiting political subdivisions from enacting,
104 maintaining, or enforcing, directly or indirectly, wage mandates
105 in an amount greater than the state or federal minimum wage
106 rate; providing construction and applicability; providing an
107 effective date.