

By Senator Trumbull

2-01189A-24

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1                   A bill to be entitled  
2           An act relating to employment regulations; amending s.  
3           218.077, F.S.; prohibiting political subdivisions from  
4           maintaining a certain minimum wage; prohibiting  
5           political subdivisions from controlling, affecting, or  
6           awarding preferences relating to wages or employment  
7           benefits of entities contracting with the political  
8           subdivision; revising applicability; creating s.  
9           448.106, F.S.; defining terms; prohibiting a political  
10          subdivision from requiring employers to meet or  
11          provide heat exposure requirements beyond those  
12          required by law; prohibiting a political subdivision  
13          from giving preference to or considering or seeking  
14          information from an employer in a competitive  
15          solicitation based on or relating to an employer's  
16          heat exposure requirements; providing construction;  
17          providing applicability; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Subsection (2) and paragraph (a) of subsection  
22           (3) of section 218.077, Florida Statutes, are amended to read:  
23           218.077 Wage and employment benefits requirements by  
24           political subdivisions; restrictions.—

25           (2) (a) Except as otherwise provided in subsection (3), a  
26           political subdivision may not establish, mandate, maintain, or  
27           otherwise require an employer to pay a minimum wage, other than  
28           a state or federal minimum wage, to apply a state or federal  
29           minimum wage to wages exempt from a state or federal minimum

2-01189A-24

20241492\_\_

30 wage, or to provide employment benefits not otherwise required  
31 by state or federal law.

32 (b) A political subdivision may not, through its purchasing  
33 or contracting procedures, seek to control or affect the wages  
34 or employment benefits provided by its vendors, contractors,  
35 service providers, or other parties doing business with the  
36 political subdivision. A political subdivision may not, through  
37 the use of evaluation factors, qualification of bidders, or  
38 otherwise, award preferences on the basis of wages or employment  
39 benefits provided by its vendors, contractors, service  
40 providers, or other parties doing business with the political  
41 subdivision.

42 (3) This section does not:

43 (a) Limit the authority of a political subdivision to  
44 establish a minimum wage other than a state or federal minimum  
45 wage or to provide employment benefits not otherwise required  
46 under state or federal law:

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

48 ~~2. For the employees of an employer contracting to provide~~  
49 ~~goods or services for the political subdivision, or for the~~  
50 ~~employees of a subcontractor of such an employer, under the~~  
51 ~~terms of a contract with the political subdivision; or~~

52 ~~3.~~ For the employees of an employer receiving a direct tax  
53 abatement or subsidy from the political subdivision, as a  
54 condition of the direct tax abatement or subsidy.

55 Section 2. Section 448.106, Florida Statutes is created to  
56 read:

57 448.106 Workplace heat exposure requirements.—

58 (1) As used in this section, the term:

2-01189A-24

20241492\_\_

59 (a) "Competitive solicitation" means an invitation to bid,  
60 a request for proposals, or an invitation to negotiate.

61 (b) "Heat exposure requirement" means a standard to control  
62 an employee's exposure to heat or sun, or to otherwise address  
63 or moderate the effects of such exposure. The term includes, but  
64 is not limited to, standards relating to any of the following:

65 1. Employee monitoring and protection.

66 2. Water consumption.

67 3. Cooling measures.

68 4. Acclimation and recovery periods or practices.

69 5. Posting or distributing notices or materials that inform  
70 employees how to protect themselves from heat exposure.

71 6. Implementation and maintenance of heat exposure programs  
72 or training.

73 7. Appropriate first-aid measures or emergency responses  
74 related to heat exposure.

75 8. Protections for employees who report that they have  
76 experienced excessive heat exposure.

77 9. Reporting and recordkeeping requirements.

78 (c) "Political subdivision" means a county, municipality,  
79 department, commission, district, board, or other public body,  
80 whether corporate or otherwise, created by or under state law.

81 (2) (a) A political subdivision may not establish, mandate,  
82 or otherwise require an employer, including an employer  
83 contracting to provide goods or services to the political  
84 subdivision, to meet or provide heat exposure requirements not  
85 otherwise required under state or federal law.

86 (b) A political subdivision may not give preference in a  
87 competitive solicitation to an employer based on the employer's

2-01189A-24

20241492\_\_

88 heat exposure requirements and may not consider or seek  
89 information relating to the employer's heat exposure  
90 requirements.

91 (3) This section does not limit the authority of a  
92 political subdivision to establish or otherwise provide heat  
93 exposure requirements not otherwise required under state or  
94 federal law for direct employees of the political subdivision.

95 (4) This section does not apply if it is determined that  
96 compliance with this section will prevent the distribution of  
97 federal funds to a political subdivision or would otherwise be  
98 inconsistent with federal requirements pertaining to receiving  
99 federal funds, but only to the extent necessary to allow a  
100 political subdivision to receive federal funds or to eliminate  
101 inconsistency with federal requirements.

102 Section 3. This act shall take effect July 1, 2024.