

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 minimum wage other than a state or
5 federal minimum wage; prohibiting political
6 subdivisions from controlling, affecting, or awarding
7 preferences based on the wages or employment benefits
8 of entities doing business with the political
9 subdivision; revising applicability; creating s.
10 448.077, F.S.; preempting the regulation of the terms
11 and conditions of employment to the state; providing
12 that, unless expressly authorized, an ordinance, an
13 order, a rule, or a policy that exceeds or conflicts
14 with state or federal law relating to a term or
15 condition of employment is void and unenforceable;
16 creating s. 448.106, F.S.; providing definitions;
17 preempting the regulation of heat exposure
18 requirements in the workplace to the state; providing
19 that certain local laws, ordinances, resolutions,
20 regulations, rules, codes, policies, and amendments
21 are void and prohibited; requiring the Department of
22 Commerce to adopt rules relating to workplace heat
23 exposure requirements if the Occupational Safety and
24 Health Administration has not done so by a date
25 certain; providing requirements for such rules;

26 | prohibiting local governments from mandating or
 27 | imposing certain requirements or seeking information
 28 | from certain persons relating to certain requirements;
 29 | providing construction and applicability; providing an
 30 | effective date.

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 32 | Be It Enacted by the Legislature of the State of Florida:
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34 | Section 1. Subsection (2) and paragraph (a) of subsection
 35 | (3) of section 218.077, Florida Statutes, are amended to read:

36 | 218.077 Wage and employment benefits requirements by
 37 | political subdivisions; restrictions.—

38 | (2) (a) Except as otherwise provided in subsection (3), a
 39 | political subdivision may not establish, mandate, maintain, or
 40 | otherwise require an employer to pay a minimum wage, other than
 41 | a state or federal minimum wage, to apply a state or federal
 42 | minimum wage to wages exempt from a state or federal minimum
 43 | wage, or to provide employment benefits not otherwise required
 44 | by state or federal law.

45 | (b) A political subdivision may not through its purchasing
 46 | or contracting procedures seek to control or affect the wages or
 47 | employment benefits provided by its vendors, contractors,
 48 | service providers, or other parties doing business with the
 49 | political subdivision.

50 | (c) A political subdivision may not through the use of

51 evaluation factors, qualification of bidders, or otherwise award
 52 preferences on the basis of wages or employment benefits
 53 provided by its vendors, contractors, service providers, or
 54 other parties doing business with the political subdivision.

55 (3) This section does not:

56 (a) Limit the authority of a political subdivision to
 57 establish a minimum wage other than a state or federal minimum
 58 wage or to provide employment benefits not otherwise required
 59 under state or federal law:

- 60 1. For the employees of the political subdivision; or
 61 ~~2. For the employees of an employer contracting to provide~~
 62 ~~goods or services for the political subdivision, or for the~~
 63 ~~employees of a subcontractor of such an employer, under the~~
 64 ~~terms of a contract with the political subdivision; or~~

65 ~~2.3.~~ For the employees of an employer receiving a direct
 66 tax abatement or subsidy from the political subdivision, as a
 67 condition of the direct tax abatement or subsidy.

68 Section 2. Section 448.077, Florida Statutes, is created
 69 to read:

70 448.077 Regulation of labor preempted to the state.—The
 71 regulation of the terms and conditions of employment is
 72 expressly preempted to the state. Unless expressly authorized by
 73 special or general law, a county, municipality, special
 74 district, or political subdivision of the state may not adopt or
 75 enforce an ordinance, an order, a rule, or a policy providing a

76 term or condition of employment that exceeds or conflicts with
 77 the requirements of state or federal law relating to a term or
 78 condition of employment. An ordinance, an order, a rule, or a
 79 policy that violates this section is void and unenforceable.

80 Section 3. Section 448.106, Florida Statutes, is created
 81 to read:

82 448.106 Workplace heat exposure requirements; preemption;
 83 rulemaking.-

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

85 (a) "Contractor" means an employer contracting with, or
 86 seeking to contract with, a local government to provide goods or
 87 services to, for the benefit of, or on behalf of the local
 88 government.

89 (b) "Employee" means a natural person, including a self-
 90 employed person, who receives any type of compensation or
 91 remuneration for providing services to an employer.

92 (c) "Employer" means a person who hires or contracts for
 93 the services of employees.

94 (d) "Heat exposure requirement" means a standard mandated
 95 or otherwise imposed on employers, employees, contractors, or
 96 subcontractors to control an employee's exposure to heat or sun,
 97 or to otherwise address or moderate the effects of such
 98 exposure. The term includes, but is not limited to, standards
 99 relating to all of the following:

100 1. Employee monitoring and protection.

- 101 2. Water consumption.
- 102 3. Cooling measures.
- 103 4. Acclimatization and recovery periods or practices.
- 104 5. Posting or distributing notices or materials relating
 105 to heat exposure which inform employees how to protect
 106 themselves from such exposure.
- 107 6. Implementation and maintenance of heat exposure
 108 programs or training.
- 109 7. Appropriate first-aid measures or emergency responses
 110 related to heat exposure.
- 111 8. Protections for employees who report that they have
 112 experienced excessive heat exposure.
- 113 9. Reporting and recordkeeping requirements.
- 114 (e) "Local government" means a county, municipality,
 115 department, commission, district, board, or other public body,
 116 whether corporate or otherwise, created by or under state law.
- 117 (f) "Subcontractor" has the same meaning as in s.
 118 448.095(1).
- 119 (2)(a) The regulation of workplace heat exposure
 120 requirements is preempted to the state. Any local law,
 121 ordinance, resolution, regulation, rule, code, policy, or
 122 charter amendment adopted before, on, or after the effective
 123 date of this act which conflicts with this section is void and
 124 prohibited.
- 125 (b) If the Occupational Safety and Health Administration

126 has not adopted by rule requirements regulating workplace heat
127 exposure by July 1, 2028, the Department of Commerce must adopt
128 by rule statewide workplace heat exposure requirements. Such
129 rules must be consistent with the standards of the Occupational
130 Safety and Health Administration in effect at the time the
131 Department of Commerce adopts its rules, and modified as
132 necessary to reflect workplace heat exposure considerations
133 specific to this state. The Legislature must ratify such rules
134 before they take effect.

135 (3) Except as otherwise provided in this section, a local
136 government may not:

137 (a) Mandate or otherwise impose heat exposure requirements
138 on an employer, an employee, a contractor, or a subcontractor.

139 (b) Consider or seek information relating to a
140 contractor's or subcontractor's heat exposure requirements in
141 any procurement for goods or services.

142 (4) This section does not limit the authority of a local
143 government to mandate or impose workplace heat exposure
144 requirements for the employees of the local government.

145 (5) This section does not apply if it is determined that
146 compliance with this section will prevent the distribution of
147 federal funds to a local government or would otherwise be
148 inconsistent with federal requirements pertaining to receiving
149 federal funds, but only to the extent necessary to allow a local
150 government to receive federal funds or to eliminate the

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151 | inconsistency with federal requirements.

152 | Section 4. This act shall take effect July 1, 2024.