



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

31  
 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 However, a county, municipality, special district, or political  
 81 subdivision of the state may adopt and enforce an ordinance, an  
 82 order, a rule, or a policy providing employment benefits, as  
 83 defined in s. 218.077(1), for the employees of the county,  
 84 municipality, special district, or political subdivision which  
 85 exceed state or federal law.

86 Section 3. Section 448.106, Florida Statutes, is created  
 87 to read:

88 448.106 Workplace heat exposure requirements; preemption;  
 89 rulemaking.-

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

91 (a) "Contractor" means an employer contracting with, or  
 92 seeking to contract with, a local government to provide goods or  
 93 services to, for the benefit of, or on behalf of the local  
 94 government.

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

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

100 (d) "Heat exposure requirement" means a standard mandated

101 or otherwise imposed on employers, employees, contractors, or  
 102 subcontractors to control an employee's exposure to heat or sun,  
 103 or to otherwise address or moderate the effects of such  
 104 exposure. The term includes, but is not limited to, standards  
 105 relating to all of the following:

- 106 1. Employee monitoring and protection.
- 107 2. Water consumption.
- 108 3. Cooling measures.
- 109 4. Acclimatization and recovery periods or practices.
- 110 5. Posting or distributing notices or materials relating  
 111 to heat exposure which inform employees how to protect  
 112 themselves from such exposure.
- 113 6. Implementation and maintenance of heat exposure  
 114 programs or training.
- 115 7. Appropriate first-aid measures or emergency responses  
 116 related to heat exposure.
- 117 8. Protections for employees who report that they have  
 118 experienced excessive heat exposure.
- 119 9. Reporting and recordkeeping requirements.

120 (e) "Local government" means a county, municipality,  
 121 department, commission, district, board, or other public body,  
 122 whether corporate or otherwise, created by or under state law.

123 (f) "Subcontractor" has the same meaning as in s.  
 124 448.095(1).

125 (2) (a) The regulation of workplace heat exposure

126 requirements is preempted to the state. Any local law,  
127 ordinance, resolution, regulation, rule, code, policy, or  
128 charter amendment adopted before, on, or after the effective  
129 date of this act which conflicts with this section is void and  
130 prohibited.

131 (b) If the Occupational Safety and Health Administration  
132 has not adopted by rule requirements regulating workplace heat  
133 exposure by July 1, 2028, the Department of Commerce must adopt  
134 by rule statewide workplace heat exposure requirements. Such  
135 rules must be consistent with the standards of the Occupational  
136 Safety and Health Administration in effect at the time the  
137 Department of Commerce adopts its rules, and modified as  
138 necessary to reflect workplace heat exposure considerations  
139 specific to this state. The Legislature must ratify such rules  
140 before they take effect.

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

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

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

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

CS/CS/HB 433

2024

151        (5) This section does not apply if it is determined that  
152 compliance with this section will prevent the distribution of  
153 federal funds to a local government or would otherwise be  
154 inconsistent with federal requirements pertaining to receiving  
155 federal funds, but only to the extent necessary to allow a local  
156 government to receive federal funds or to eliminate the  
157 inconsistency with federal requirements.

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