

1                                   A bill to be entitled  
 2           An act relating to political subdivisions; amending s.  
 3           218.077, F.S.; providing and revising definitions;  
 4           prohibiting political subdivisions from requiring  
 5           employers to provide certain employment benefits;  
 6           prohibiting political subdivisions from requiring, or  
 7           awarding preference on the basis of, certain wages or  
 8           employment benefits when contracting for goods or  
 9           services; conforming provisions to constitutional  
 10          requirements relating to the state minimum wage;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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

17           218.077 ~~Minimum~~ Wage and employment benefits requirements  
 18 by political subdivisions; restrictions.—

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

20           (a) "Employee" means any natural person who is entitled  
 21 under state or federal law to receive a state or federal minimum  
 22 wage.

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

26           (c) "Employer contracting to provide goods or services for  
 27 the political subdivision" means a person contracting with the  
 28 political subdivision to provide goods or services to, for the

29 benefit of, or on behalf of, the political subdivision in  
 30 exchange for valuable consideration, and includes a person  
 31 leasing or subleasing real property owned by the political  
 32 subdivision.

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

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

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

47 (g) "State minimum wage" means a minimum wage required  
 48 under the State Constitution or state law, including s. 24, Art.  
 49 X of the State Constitution and s. 448.110.

50 (h)~~(f)~~ "Wage" means that compensation for employment to  
 51 which any state or federal minimum wage applies.

52 (2) Except as otherwise provided in subsection (3), a  
 53 political subdivision may not:

54 (a) Establish, mandate, or otherwise require an employer  
 55 to pay a minimum wage, other than a state or federal minimum  
 56 wage, ~~or~~ to apply a state or federal minimum wage to wages

57 | exempt from a state or federal minimum wage, or to provide  
 58 | employment benefits not otherwise required by state or federal  
 59 | law.

60 | (b) Require a minimum wage, other than a state or federal  
 61 | minimum wage, or employment benefits not otherwise required by  
 62 | state or federal law for the employees of an employer:

63 | 1. Contracting to provide goods or services for the  
 64 | political subdivision, or the employees of a subcontractor of  
 65 | such an employer, under the terms of a contract with the  
 66 | political subdivision.

67 | 2. Receiving a direct tax abatement or subsidy from the  
 68 | political subdivision, as a condition of the direct tax  
 69 | abatement or subsidy.

70 | (c) Award preferences on the basis of wages or employment  
 71 | benefits provided to employees by an employer when contracting  
 72 | to provide for goods and services for the political subdivision.

73 | (3) This section does not limit the authority of a  
 74 | political subdivision to establish a minimum wage other than a  
 75 | state or federal minimum wage or to provide employment benefits  
 76 | not otherwise required under state or federal law÷

77 | ~~(a) for the employees of the political subdivision~~÷

78 | ~~(b) For the employees of an employer contracting to~~  
 79 | ~~provide goods or services for the political subdivision, or for~~  
 80 | ~~the employees of a subcontractor of such an employer, under the~~  
 81 | ~~terms of a contract with the political subdivision; or~~

82 | ~~(c) For the employees of an employer receiving a direct~~  
 83 | ~~tax abatement or subsidy from the political subdivision, as a~~  
 84 | ~~condition of the direct tax abatement or subsidy.~~

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85 |           (4) If it is determined by the officer or agency  
86 | responsible for distributing federal funds to a political  
87 | subdivision that compliance with this act would prevent receipt  
88 | of those federal funds, or would otherwise be inconsistent with  
89 | federal requirements pertaining to such funds, then this act  
90 | does ~~shall~~ not apply, but only to the extent necessary to allow  
91 | receipt of the federal funds or to eliminate the inconsistency  
92 | with such federal requirements.

93 |           Section 2. This act shall take effect July 1, 2013.