



192142

LEGISLATIVE ACTION

Senate

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House

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The Committee on Community Affairs (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



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11           (2) As used in this section, the term:

12           (a) "Employ" has the same meaning as established under the  
13 federal Fair Labor Standards Act and its implementing  
14 regulations.

15           (b) "Employee" means any natural person who is entitled  
16 under state or federal law to receive a state or federal minimum  
17 wage.

18           (c) ~~(b)~~ "Employer" means any person who is required under  
19 state or federal law to pay a state or federal minimum wage to  
20 the person's employees.

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

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

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

38           (f) "Political subdivision" means a county, municipality,  
39 department, commission, district, board, or other public body,



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40 whether corporate or otherwise, created by or under state law.

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

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

47 ~~(3)(2)~~ Except as otherwise provided in subsection ~~(4)~~ ~~(3)~~,  
48 a political subdivision may not enact ~~establish, maintain~~  
49 ~~mandate, or enforce by charter, ordinance, purchase agreement,~~  
50 ~~contract, regulation, rule, or resolution, either directly or~~  
51 ~~indirectly, a wage mandate in an amount greater than the state~~  
52 ~~minimum wage rate calculated pursuant to s. 24, Art. X of the~~  
53 ~~State Constitution or the federal minimum wage rate. Any wage~~  
54 ~~mandate that conflicts with this subsection is void.~~

55 Additionally, a political subdivision may not ~~otherwise require~~  
56 ~~an employer to pay a minimum wage, other than a state or federal~~  
57 ~~minimum wage, to apply a state or federal minimum wage to wages~~  
58 ~~exempt from a state or federal minimum wage, or~~ require an  
59 employer to provide employment benefits not otherwise required  
60 by state or federal law.

61 ~~(4)(3)~~ This section does not:

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

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



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

73           ~~3.~~ For the employees of an employer receiving a direct tax  
74 abatement or subsidy from the political subdivision, as a  
75 condition of the direct tax abatement or subsidy.

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

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

80           (5)~~(4)~~ If it is determined by the officer or agency  
81 responsible for distributing federal funds to a political  
82 subdivision that compliance with this act would prevent receipt  
83 of those federal funds, or would otherwise be inconsistent with  
84 federal requirements pertaining to such funds, then this act  
85 does not apply, but only to the extent necessary to allow  
86 receipt of the federal funds or to eliminate the inconsistency  
87 with such federal requirements.

88           (6)~~(5)~~ This section does not prohibit a federally  
89 authorized and recognized tribal government from requiring  
90 employment benefits for a person employed within a territory  
91 over which the tribe has jurisdiction.

92           Section 2. This act shall take effect upon becoming a law.

93  
94 ===== T I T L E   A M E N D M E N T =====

95 And the title is amended as follows:

96           Delete everything before the enacting clause  
97 and insert:



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98                                   A bill to be entitled  
99           An act relating to preemption of local government wage  
100       mandates; amending s. 218.077, F.S.; providing a short  
101       title; defining the terms "employ" and "wage mandate";  
102       deleting the definition of the term "employer  
103       contracting to provide goods or services for the  
104       political subdivision"; revising prohibitions relating  
105       to political subdivisions enacting, maintaining, or  
106       enforcing wage mandates in an amount greater than the  
107       state or federal minimum wage; specifying that any  
108       wage mandate that conflicts with such prohibitions is  
109       void; revising applicability; providing construction;  
110       providing an effective date.