

By Senator Gruters

23-00841-22

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1 A bill to be entitled

2 An act relating to preemption of local government wage
3 mandates; amending s. 218.077, F.S.; providing a short
4 title; providing legislative findings and
5 declarations; revising and defining terms; revising
6 prohibitions relating to political subdivisions
7 enacting, maintaining, or enforcing wage mandates in
8 an amount greater than the state minimum wage rate;
9 revising construction and applicability; providing an
10 effective date.

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

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

16 (Substantial rewording of section. See
17 s. 218.077, F.S., for present text.)

18 218.077 Wage Mandate Preemption Act.—

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

21 (2) The Legislature finds and declares all of the
22 following:

23 (a) That economic stability and growth are among the most
24 important factors affecting the general welfare of the residents
25 of this state and are among the most important matters for which
26 the Legislature is responsible.

27 (b) That mandated wage rates comprise a major cost
28 component for private enterprises and are among the chief
29 factors affecting the economic stability and growth of this

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30 state.

31 (c) That prevailing wage laws increase the costs of
32 government and business and diminish the number of jobs
33 generated by the economy.

34 (d) That local variations in mandated wage rates threaten
35 many businesses with a loss of employees to areas that require
36 higher mandated wage rates, threaten many other businesses with
37 the loss of patrons to areas that allow lower mandated wage
38 rates, and are detrimental to the business environment of this
39 state, to local labor markets, and to the citizens, businesses,
40 and governments of the political subdivisions of this state.

41 (e) That in order for businesses to remain competitive
42 while attracting and retaining the highest possible caliber of
43 employees, private enterprises in this state must be allowed to
44 function in a uniform environment with respect to mandated wage
45 rates.

46 (f) That legislated wage disparity between political
47 subdivisions of this state creates an anticompetitive
48 marketplace that fosters job and business relocation.

49 (g) That prevailing wage laws are most harmful to the
50 young, to minorities, and to other new or potential entrants to
51 the workplace.

52 (h) That prohibiting and repealing prevailing wage laws
53 will increase the efficiency of public investments, reduce the
54 cost of government, and eliminate government's preferential
55 treatment.

56 (3) For the purposes of this section, the term:

57 (a) "Employ" has the same meaning as established under the
58 federal Fair Labor Standards Act and its implementing

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59 regulations.

60 (b) "Employee" means any individual employed by an
61 employer.

62 (c) "Employer" means any person who employs employees. The
63 term includes, but is not limited to, any person acting directly
64 or indirectly in the interest of an employer in relation to an
65 employee and includes a public agency other than the government
66 of the United States, as well as employers that have contracts
67 or subcontracts with a political subdivision or that have
68 received tax abatements, loan guarantees, or other financial
69 assistance from a political subdivision.

70 (d) "Political subdivision" includes, but is not limited
71 to, any municipality, city, county, village, school district,
72 special purpose district, or local government of this state.

73 (e) "Wage mandate" means any requirement enacted by a
74 political subdivision which requires an employer to pay any or
75 all of its employees a wage rate not otherwise required under
76 state or federal law.

77 (4) Except as provided in subsection (5), a political
78 subdivision may not enact, maintain, or enforce by charter,
79 ordinance, purchase agreement, contract, regulation, rule, or
80 resolution, either directly or indirectly, a wage mandate in an
81 amount greater than the state minimum wage rate calculated
82 pursuant to s. 24, Art. X of the State Constitution. Any wage
83 mandate that conflicts with this subsection is void.

84 (5) Subsection (4) does not:

85 (a) Prohibit a political subdivision from enacting,
86 maintaining, or enforcing through a collective bargaining
87 agreement or other means a minimum wage requirement governing

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88 compensation paid by the political subdivision to employees of
89 the political subdivision.

90 (b) Apply to a collective bargaining agreement negotiated
91 between a political subdivision and the bargaining
92 representative of the employees of the political subdivision.

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

95 (d) Apply if federal law requires the payment of a
96 prevailing or minimum wage to persons working on projects funded
97 in whole or in part by federal funds.

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