

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; providing definitions; prohibiting
 6 political subdivisions from enacting, maintaining, or
 7 enforcing, directly or indirectly, wage mandates in an
 8 amount greater than the state minimum wage rate;
 9 providing 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
 15 to 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 that:

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

26 (b) Mandated wage rates comprise a major cost component
27 for private enterprises and are among the chief factors
28 affecting the economic stability and growth of the state.

29 (c) Prevailing wage laws increase the costs of government
30 and business and diminish the number of jobs generated by the
31 economy.

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

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

44 (f) Legislated wage disparity between political
45 subdivisions of the state creates an anticompetitive marketplace
46 that fosters job and business relocation.

47 (g) Prevailing wage laws are most harmful to the young, to
48 minorities, and to other new or potential entrants to the
49 workplace.

50 (h) Prohibiting and repealing prevailing wage laws will

51 increase the efficiency of public investments, reduce the cost
52 of government, and eliminate government's preferential
53 treatment.

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

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

58 (b) "Employee" means any person employed by an employer.

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

67 (d) "Political subdivision" includes, but is not limited
68 to, any municipality, city, county, village, school district,
69 special purpose district, or local government of the state.

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

74 (4) Except as provided in subsection (5), a political
75 subdivision may not enact, maintain, or enforce by charter,

76 ordinance, purchase agreement, contract, regulation, rule, or
77 resolution, either directly or indirectly, a wage mandate in an
78 amount greater than the state minimum wage rate calculated
79 pursuant to s. 24, Art. X of the State Constitution. Any wage
80 mandate that conflicts with this subsection is void.

81 (5) Subsection (4) does not:

82 (a) Prohibit a political subdivision from enacting,
83 maintaining, or enforcing through a collective bargaining
84 agreement or other means a minimum wage requirement governing
85 compensation paid by the political subdivision to employees of
86 the political subdivision.

87 (b) Apply to a collective bargaining agreement negotiated
88 between a political subdivision and the bargaining
89 representative of the employees of the political subdivision.

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

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

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