A bill to be entitled
An act relating to employment regulations; amending s. 218.077, F.S.; prohibiting political subdivisions from maintaining a minimum wage other than a state or federal minimum wage; prohibiting political subdivisions from controlling, affecting, or awarding preferences based on the wages or employment benefits of entities doing business with the political subdivision; revising applicability; creating s. 448.077, F.S.; preempting the regulation of the terms and conditions of employment to the state; providing that, unless expressly authorized, an ordinance, an order, a rule, or a policy that exceeds or conflicts with state or federal law relating to a term or condition of employment is void and unenforceable; providing an exception; creating s. 448.106, F.S.; providing definitions; preempting the regulation of heat exposure requirements in the workplace to the state; providing that certain local laws, ordinances, resolutions, regulations, rules, codes, policies, and amendments are void and prohibited; requiring the Department of Commerce to adopt rules relating to workplace heat exposure requirements if the Occupational Safety and Health Administration has not done so by a date certain; providing requirements for
such rules; prohibiting local governments from
mandating or imposing certain requirements or seeking
information from certain persons relating to certain
requirements; providing construction and
applicability; providing an effective date.

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

Section 1. Subsection (2) and paragraph (a) of subsection (3) of section 218.077, Florida Statutes, are amended to read:

218.077 Wage and employment benefits requirements by political subdivisions; restrictions.—

(2) (a) Except as otherwise provided in subsection (3), a political subdivision may not establish, mandate, maintain, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

(b) A political subdivision may not through its purchasing or contracting procedures seek to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision.

(c) A political subdivision may not through the use of
evaluation factors, qualification of bidders, or otherwise award
preferences on the basis of wages or employment benefits
provided by its vendors, contractors, service providers, or
other parties doing business with the political subdivision.

(3) This section does not:

(a) Limit the authority of a political subdivision to
establish a minimum wage other than a state or federal minimum
wage or to provide employment benefits not otherwise required
under state or federal law:

1. For the employees of the political subdivision; or

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

2.3. For the employees of an employer receiving a direct
tax abatement or subsidy from the political subdivision, as a
condition of the direct tax abatement or subsidy.

Section 2. Section 448.077, Florida Statutes, is created
to read:

448.077 Regulation of labor preempted to the state.—The
regulation of the terms and conditions of employment is
expressly preempted to the state. Unless expressly authorized by
special or general law, a county, municipality, special
district, or political subdivision of the state may not adopt or
enforce an ordinance, an order, a rule, or a policy providing a
term or condition of employment that exceeds or conflicts with the requirements of state or federal law relating to a term or condition of employment. An ordinance, an order, a rule, or a policy that violates this section is void and unenforceable. However, a county, municipality, special district, or political subdivision of the state may adopt and enforce an ordinance, an order, a rule, or a policy providing employment benefits, as defined in s. 218.077(1), for the employees of the county, municipality, special district, or political subdivision which exceed state or federal law.

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

448.106 Workplace heat exposure requirements; preemption; rulemaking.—

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

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

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

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

(d) "Heat exposure requirement" means a standard mandated
or otherwise imposed on employers, employees, contractors, or subcontractors to control an employee's exposure to heat or sun, or to otherwise address or moderate the effects of such exposure. The term includes, but is not limited to, standards relating to all of the following:

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

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

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

(2)(a) The regulation of workplace heat exposure
requirements is preempted to the state. Any local law, ordinance, resolution, regulation, rule, code, policy, or charter amendment adopted before, on, or after the effective date of this act which conflicts with this section is void and prohibited.

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

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

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

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

(4) This section does not limit the authority of a local government to mandate or impose workplace heat exposure requirements for the employees of the local government.
(5) This section does not apply if it is determined that compliance with this section will prevent the distribution of federal funds to a local government or would otherwise be inconsistent with federal requirements pertaining to receiving federal funds, but only to the extent necessary to allow a local government to receive federal funds or to eliminate the inconsistency with federal requirements.

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