

ENROLLED

CS/CS/HB 433, Engrossed 1

2024 Legislature

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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 and providing applicability; creating s. 448.077, F.S.; prohibiting a local government from adopting or enforcing certain measures regulating scheduling by private employers, except as otherwise authorized or required by law; creating s. 448.106, F.S.; defining terms; prohibiting a political subdivision from requiring employers to meet or provide heat exposure requirements beyond those required by law; prohibiting a political subdivision from giving preference to or considering or seeking information from an employer in a competitive solicitation based on or relating to an employer's heat exposure requirements; providing construction; providing applicability; providing an effective date.

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

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26 Section 1. Section 448.106, Florida Statutes, is created
 27 to read:

28 448.106 Workplace heat exposure requirements.-

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

30 (a) "Competitive solicitation" means an invitation to bid,
 31 a request for proposals, or an invitation to negotiate.

32 (b) "Heat exposure requirement" means a standard to
 33 control an employee's exposure to heat or sun, or to otherwise
 34 address or moderate the effects of such exposure. The term
 35 includes, but is not limited to, standards relating to any of
 36 the following:

37 1. Employee monitoring and protection.

38 2. Water consumption.

39 3. Cooling measures.

40 4. Acclimation and recovery periods or practices.

41 5. Posting or distributing notices or materials that
 42 inform employees how to protect themselves from heat exposure.

43 6. Implementation and maintenance of heat exposure
 44 programs or training.

45 7. Appropriate first-aid measures or emergency responses
 46 related to heat exposure.

47 8. Protections for employees who report that they have
 48 experienced excessive heat exposure.

49 9. Reporting and recordkeeping requirements.

50 (c) "Political subdivision" means a county, municipality,

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51 department, commission, district, board, or other public body,
 52 whether corporate or otherwise, created by or under state law.

53 (2) (a) A political subdivision may not establish, mandate,
 54 or otherwise require an employer, including an employer
 55 contracting to provide goods or services to the political
 56 subdivision, to meet or provide heat exposure requirements not
 57 otherwise required under state or federal law.

58 (b) A political subdivision may not give preference in a
 59 competitive solicitation to an employer based on the employer's
 60 heat exposure requirements and may not consider or seek
 61 information relating to the employer's heat exposure
 62 requirements.

63 (3) This section does not limit the authority of a
 64 political subdivision to establish or otherwise provide heat
 65 exposure requirements not otherwise required under state or
 66 federal law for direct employees of the political subdivision.

67 (4) This section does not apply if it is determined that
 68 compliance with this section will prevent the distribution of
 69 federal funds to a political subdivision or would otherwise be
 70 inconsistent with federal requirements pertaining to receiving
 71 federal funds, but only to the extent necessary to allow a
 72 political subdivision to receive federal funds or to eliminate
 73 inconsistency with federal requirements.

74 Section 2. Effective September 30, 2026, subsection (2)
 75 and paragraph (a) of subsection (3) of section 218.077, Florida

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76 Statutes, are amended to read:

77 218.077 Wage and employment benefits requirements by
78 political subdivisions; restrictions.—

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

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

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

96 (3) This section does not:

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

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101 1. For the employees of the political subdivision; or
 102 ~~2. For the employees of an employer contracting to provide~~
 103 ~~goods or services for the political subdivision, or for the~~
 104 ~~employees of a subcontractor of such an employer, under the~~
 105 ~~terms of a contract with the political subdivision; or~~

106 2.3. For the employees of an employer receiving a direct
 107 tax abatement or subsidy from the political subdivision, as a
 108 condition of the direct tax abatement or subsidy.

109 Section 3. The amendments to s. 218.077, Florida Statutes,
 110 by this act, do not impair any contract entered into before
 111 September 30, 2026.

112 Section 4. Section 448.077, Florida Statutes, is created
 113 to read:

114 448.077 Preemption of employee scheduling regulation.— A
 115 local government may not adopt or enforce any ordinance,
 116 resolution, order, rule, policy, or contract requirement
 117 regulating scheduling, including predictive scheduling, by a
 118 private employer except as expressly authorized or required by
 119 state or federal law, rule, or regulation or pursuant to federal
 120 grant requirements.

121 Section 5. Except as otherwise provided, this act shall
 122 take effect July 1, 2024.