

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.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
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.