

Committee Substitute for Senate Bill No. 54

An act relating to local government; providing definitions; prohibiting local governments from requiring employers to pay a minimum wage other than a federal minimum wage; providing exceptions; providing an effective date.

WHEREAS, promoting the economic growth and prosperity of its citizens is among the most important responsibilities of the state, and

WHEREAS, this economic growth and prosperity depends upon maintaining a stable business climate that will attract new employers to the state and allow existing employers to grow, and

WHEREAS, with regard to worker wages, federal minimum wage provisions strike the necessary balance between the interests of workers and their employers, and

WHEREAS, allowing each local government to establish minimum wage levels in their individual jurisdictions higher than those required by federal law would threaten to drive businesses out of these communities and out of the state in search of a more favorable and uniform business environment, and

WHEREAS, higher minimum wage standards differing from one locale to another would encourage residents to conduct their business in jurisdictions where wage costs, and hence prices, are lower, and

WHEREAS, such artificial constraints would disrupt Florida's economy and threaten the public welfare, NOW, THEREFORE,

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

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

(a) "Employee" means any natural person who is entitled under federal law to receive a federal minimum wage.

(b) "Employer" means any person who is required under federal law to pay a federal minimum wage to the person's employees.

(c) "Employer contracting to provide goods or services for the political subdivision" means a person contracting with the political subdivision to provide goods or services to, for the benefit of, or on behalf of, the political subdivision in exchange for valuable consideration, and includes a person leasing or subleasing real property owned by the political subdivision.

(d) "Federal minimum wage" means a minimum wage required under federal law, including the federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.

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

(f) "Wage" means that compensation for employment to which any federal minimum wage applies.

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

(3) This section does not limit the authority of a political subdivision to establish a minimum wage other than a federal minimum wage:

(a) For the employees of the political subdivision;

(b) 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

(c) 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.

(4) If it is determined by the officer or agency responsible for distributing federal funds to a political subdivision that compliance with this act would prevent receipt of those federal funds, or would otherwise be inconsistent with federal requirements pertaining to such funds, then this act shall not apply, but only to the extent necessary to allow receipt of the federal funds or to eliminate the inconsistency with such federal requirements.

Section 2. This act shall not prohibit a federally authorized and recognized tribal government from establishing a minimum wage in excess of the federal minimum wage for natural persons employed within any territory over which the tribe has jurisdiction.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.