

## CHAPTER 2013-200

### Committee Substitute for House Bill No. 655

An act relating to employment benefits; amending s. 218.077, F.S.; providing and revising definitions; prohibiting political subdivisions from requiring employers to provide certain employment benefits; prohibiting political subdivisions from requiring, or awarding preference on the basis of, certain wages or employment benefits when contracting for goods or services; providing for applicability and future repeal of certain ordinances; conforming provisions to constitutional requirements relating to the state minimum wage; creating the Employer-Sponsored Benefits Study Task Force; directing Workforce Florida, Inc., to provide administrative and staff support services for the task force; establishing the purpose and composition of the task force; providing for reimbursement for per diem and travel expenses; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing report requirements; providing for future repeal of the task force; providing that the act does not prohibit a federally authorized or recognized tribal government from requiring employment benefits under certain conditions; providing an appropriation; providing an effective date.

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

Section 1. Section 218.077, Florida Statutes, is amended to read:

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

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

(a) “Employee” means any natural person who is entitled under state or federal law to receive a state or federal minimum wage.

(b) “Employer” means any person who is required under state or federal law to pay a state or 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) “Employment benefits” means anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits.

~~(e)(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.

~~(f)(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.

~~(g)(f)~~ “Wage” means that compensation for employment to which any state or 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 state or federal minimum wage, ~~or 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.~~

(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.(a) For the employees of the political subdivision;

2.(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

3.(e) 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.

(b) Apply to a domestic violence or sexual abuse ordinance, order, rule, or policy adopted by a political subdivision.

(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 does ~~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.

(5)(a) There is created the Employer-Sponsored Benefits Study Task Force. Workforce Florida, Inc., shall provide administrative and staff support services relating to the functions of the task force. The task force shall organize by September 1, 2013. The task force shall be composed of 11 members. The President of Workforce Florida, Inc., shall serve as a member and chair of the task force. The Speaker of the House of Representatives shall

appoint one member who is an economist with a background in business economics. The President of the Senate shall appoint one member who is a physician licensed under chapter 458 or chapter 459 with at least 5 years of experience in the active practice of medicine. In addition, the President of the Senate and the Speaker of the House of Representatives shall each appoint four additional members to the task force. The four appointments from the President of the Senate and the four appointments from the Speaker of the House of Representatives must each include:

1. A member of the Legislature.

2. An owner of a business in this state which employs fewer than 50 people.

3. An owner or representative of a business in this state which employs more than 50 people.

4. A representative of an organization who represents the nonmanagement employees of a business.

(b) Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061.

(c) The purpose of the task force is to analyze employment benefits and the impact of state preemption of the regulation of such benefits. The task force shall develop a report that includes its findings and recommendations for legislative action regarding the regulation of employment benefits. The task force shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2014.

(d) This subsection is repealed June 30, 2014.

(6) This section does not prohibit a federally authorized and recognized tribal government from requiring employment benefits for a person employed within a territory over which the tribe has jurisdiction.

Section 2. For the 2013-2014 fiscal year, the sum of \$27,050 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Economic Opportunity for Workforce Florida, Inc., for operating the Employer-Sponsored Benefits Study Task Force.

Section 3. This act shall take effect July 1, 2013.

Approved by the Governor June 14, 2013.

Filed in Office Secretary of State June 14, 2013.