



ENROLLED

CS/HB 655, Engrossed 1

2013 Legislature

1  
2 An act relating to employment benefits; amending s.  
3 218.077, F.S.; providing and revising definitions;  
4 prohibiting political subdivisions from requiring  
5 employers to provide certain employment benefits;  
6 prohibiting political subdivisions from requiring, or  
7 awarding preference on the basis of, certain wages or  
8 employment benefits when contracting for goods or  
9 services; providing for applicability and future  
10 repeal of certain ordinances; conforming provisions to  
11 constitutional requirements relating to the state  
12 minimum wage; creating the Employer-Sponsored Benefits  
13 Study Task Force; directing Workforce Florida, Inc.,  
14 to provide administrative and staff support services  
15 for the task force; establishing the purpose and  
16 composition of the task force; providing for  
17 reimbursement for per diem and travel expenses;  
18 requiring the task force to submit a report to the  
19 Governor and the Legislature by a specified date;  
20 providing report requirements; providing for future  
21 repeal of the task force; providing that the act does  
22 not prohibit a federally authorized or recognized  
23 tribal government from requiring employment benefits  
24 under certain conditions; providing an appropriation;  
25 providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:  
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29 Section 1. Section 218.077, Florida Statutes, is amended  
30 to read:

31 218.077 ~~Minimum Wage~~ and employment benefits requirements  
32 by political subdivisions; restrictions.—

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

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

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

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

47 (d) "Employment benefits" means anything of value that an  
48 employee may receive from an employer in addition to wages and  
49 salary. The term includes, but is not limited to, health  
50 benefits; disability benefits; death benefits; group accidental  
51 death and dismemberment benefits; paid or unpaid days off for  
52 holidays, sick leave, vacation, and personal necessity;  
53 retirement benefits; and profit-sharing benefits.

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



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

61 |       ~~(g)(f)~~ "Wage" means that compensation for employment to  
 62 | which any state or federal minimum wage applies.

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

70 |       (3) This section does not:

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

75 |       ~~1.(a)~~ For the employees of the political subdivision;

76 |       ~~2.(b)~~ For the employees of an employer contracting to  
 77 | provide goods or services for the political subdivision, or for  
 78 | the employees of a subcontractor of such an employer, under the  
 79 | terms of a contract with the political subdivision; or

80 |       ~~3.(e)~~ For the employees of an employer receiving a direct  
 81 | tax abatement or subsidy from the political subdivision, as a  
 82 | condition of the direct tax abatement or subsidy.

83 |       ~~(b)~~ Apply to a domestic violence or sexual abuse  
 84 | ordinance, order, rule, or policy adopted by a political



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85 subdivision.

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

94 (5) (a) There is created the Employer-Sponsored Benefits  
95 Study Task Force. Workforce Florida, Inc., shall provide  
96 administrative and staff support services relating to the  
97 functions of the task force. The task force shall organize by  
98 September 1, 2013. The task force shall be composed of 11  
99 members. The President of Workforce Florida, Inc., shall serve  
100 as a member and chair of the task force. The Speaker of the  
101 House of Representatives shall appoint one member who is an  
102 economist with a background in business economics. The President  
103 of the Senate shall appoint one member who is a physician  
104 licensed under chapter 458 or chapter 459 with at least 5 years  
105 of experience in the active practice of medicine. In addition,  
106 the President of the Senate and the Speaker of the House of  
107 Representatives shall each appoint four additional members to  
108 the task force. The four appointments from the President of the  
109 Senate and the four appointments from the Speaker of the House  
110 of Representatives must each include:

111 1. A member of the Legislature.

112 2. An owner of a business in this state which employs



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113 fewer than 50 people.

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

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

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

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

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

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

134 Section 2. For the 2013-2014 fiscal year, the sum of  
135 \$27,050 in nonrecurring funds is appropriated from the General  
136 Revenue Fund to the Department of Economic Opportunity for  
137 Workforce Florida, Inc., for operating the Employer-Sponsored  
138 Benefits Study Task Force.

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