

CHAPTER 2024-80

Committee Substitute for Committee Substitute for House Bill No. 433

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:

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

448.106 Workplace heat exposure requirements.—

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

(a) “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate.

(b) “Heat exposure requirement” means a standard to control an employee’s exposure to heat or sun, or to otherwise address or moderate the effects of such exposure. The term includes, but is not limited to, standards relating to any of the following:

1. Employee monitoring and protection.
2. Water consumption.
3. Cooling measures.
4. Acclimation and recovery periods or practices.
5. Posting or distributing notices or materials that inform employees how to protect themselves from heat exposure.

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

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

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

9. Reporting and recordkeeping requirements.

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

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

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

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

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

Section 2. Effective September 30, 2026, subsection (2) and paragraph (a) of subsection (3) of section 218.077, Florida Statutes, are amended to read:

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

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

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

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

(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. For the employees of the political subdivision; or

~~2. 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~~

~~2.3.~~ 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.

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

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

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

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

Approved by the Governor April 11, 2024.

Filed in Office Secretary of State April 11, 2024.