

MEMORANDUM

Agenda Item No. 11(A)(15)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution opposing SB 1124,
HB 943, and similar legislation
which would preempt any
political subdivision from
imposing a wage mandate on an
employer in an amount greater
than the state minimum wage rate

Resolution No. R-70-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
1-19-22

RESOLUTION NO. _____ R-70-22

RESOLUTION OPPOSING SB 1124, HB 943, AND SIMILAR
LEGISLATION WHICH WOULD PREEMPT ANY POLITICAL
SUBDIVISION FROM IMPOSING A WAGE MANDATE ON AN
EMPLOYER IN AN AMOUNT GREATER THAN THE STATE
MINIMUM WAGE RATE

WHEREAS, Senate Bill (“SB”) 1124 and House Bill (“HB”) 943 have been filed for consideration during the Florida Legislature’s 2022 session by Senator Joe Gruters (R – Sarasota) and Representative Joe Harding (R – Ocala), respectively; and

WHEREAS, SB 1124 and HB 943 would both establish the “Wage Mandate Preemption Act,” (the “Act”) which would preempt any political subdivision from enacting, maintaining, or enforcing by charter, ordinance, purchase agreement, contract, regulation, rule, or resolution, a wage mandate in an amount greater than the state minimum wage rate; and

WHEREAS, political subdivisions, like Miami-Dade County, would be prohibited under the Act, absent limited exceptions, from requiring employers to pay any of their employees a “wage rate not otherwise required under state or federal law”; and

WHEREAS, although the Act would permit political subdivisions to pay their own employees certain wage rates above the state minimum wage threshold or require employers to pay specific wage rates when federal law requires it, all other County programs which impose wage rate requirements in an amount exceeding the state minimum wage rate on other employers would be preempted under the Act; and

WHEREAS, currently, the County's Responsible Wages and Benefits program for construction contracts, which applies to competitively bid construction contracts valued greater than \$100,000.00, mandates minimum payment of specified wages to employees performing work on County construction contracts and for privately funded construction on County-owned land which may exceed the state minimum wage rate; and

WHEREAS, in addition, the County's Living Wage requirement, which applies to all service contracts as defined in Miami-Dade County Code section 2-8.9(F)(1) valued greater than \$100,000.00 and to all service contractors at Miami-Dade Aviation Department facilities regardless of contract value, also requires certain wage rates which may exceed the statewide minimum wage rate; and

WHEREAS, these types of County programs, which impose wage rates "not otherwise required under state or federal law," and in excess of the State of Florida minimum wage rate, would likely be impacted by the Act; and

WHEREAS, the State of Florida's minimum wage rate is currently \$10.00 per hour; and

WHEREAS, the County's fiscal year 2021-2022 Living Wage for contracts for covered services entered into after October 1, 2016 is \$14.03 per hour with qualifying health benefits of at least \$3.59 per hour or a standard wage rate of \$17.62 per hour; and

WHEREAS, this Board helped craft these County programs to better the livelihoods of individuals who work within the County's borders, fully cognizant of the reality that the cost of living in Miami-Dade County is higher than in other parts of the State of Florida; and

WHEREAS, because paying all workers in this County who perform work under County contracts a statewide minimum wage rate is, at times, insufficient, this Board opposes SB 1124, HB 943, and similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes SB 1124, HB 943, and similar legislation which would preempt any political subdivision from imposing a wage mandate on an employer in an amount greater than the state minimum wage rate.

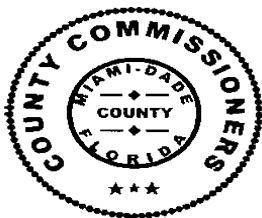
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Joe Gruters, Representative Joe Harding, and the Chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against the legislation set forth in section 1, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime, and the Co-Sponsor is Commissioner Eileen Higgins. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye
	Oliver G. Gilbert, III, Vice-Chairman	aye
Sen. René García	aye	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	aye	Joe A. Martinez aye
Kionne L. McGhee	aye	Jean Monestime aye
Raquel A. Regalado	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of January, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "JZ", written over a horizontal line.

Javier Zapata