

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 18, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution opposing legislation which would preempt any political subdivision, through its purchasing or contracting procedures, from imposing a wage mandate or employment benefit on a vendor, contractor, service provider, or other party doing business with the political subdivision

Resolution No. R-380-23

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


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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County Attorney

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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)(8)
4-18-23

RESOLUTION NO. R-380-23

RESOLUTION OPPOSING LEGISLATION WHICH WOULD PREEMPT ANY POLITICAL SUBDIVISION, THROUGH ITS PURCHASING OR CONTRACTING PROCEDURES, FROM IMPOSING A WAGE MANDATE OR EMPLOYMENT BENEFIT ON A VENDOR, CONTRACTOR, SERVICE PROVIDER, OR OTHER PARTY DOING BUSINESS WITH THE POLITICAL SUBDIVISION

WHEREAS, House Bill (“HB”) 917, a bill titled an act relating to the statewide minimum wage, has been filed for consideration during the Florida Legislature’s 2023 session by Representative Bradford Troy “Brad” Yeager (R – New Port Richey); and

WHEREAS, similar bills relating to the statewide minimum wage and requirements for public construction contracting by political subdivisions have also been filed during the 2023 legislative session, including Senate Bill (“SB”) 346 by Senator Nick DiCeglie (R – St. Petersburg), SB 892 by Senator Jonathan Martin (R – Fort Myers), and HB 383 by Representative Philip Wayne “Griff” Griffiths, Jr. (R – Panama City); and

WHEREAS, this Board adopted, in Resolution No. R-228-23, an urging opposing SB 346, HB 383, or any similar legislation that would preempt the County from imposing wage, staffing, or local preference requirements in any competitively solicited construction services contract; and

WHEREAS, an amendment to HB 917 has been filed and adopted by the House Commerce Committee which would preempt any political subdivision from, through its purchasing or contracting procedures, “control[ing] or affect[ing] the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision”; and

WHEREAS, the amendment would effectively preclude political subdivisions from requiring that its contractors pay a predetermined wage rate or employee benefit; 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 in excess of the State of Florida minimum wage rate, would likely be preempted; and

WHEREAS, the State of Florida's minimum wage rate is currently \$11.00 per hour; and

WHEREAS, the County's fiscal year 2022-2023 Living Wage for contracts for covered services entered into after October 1, 2016 is \$15.03 per hour with qualifying health benefits of at least \$3.70 per hour or a standard wage rate of \$18.73 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, County staff estimates that tens of thousands of workers and their families would be affected by this proposed change to Florida law; 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 any legislation which would preempt a political subdivision from imposing a wage mandate or employment benefit on one of its vendors, contractors, service providers, or other party it does business with,

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

Section 1. Opposes any legislation which would preempt any political subdivision, through its purchasing or contracting procedures, from imposing a wage mandate or employment benefit on a vendor, contractor, service provider, or other party doing business with the political subdivision.

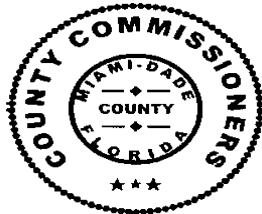
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senators Nick DiCeglie and Jonathan Martin, Representatives Bradford Troy “Brad” Yeager and Philip Wayne “Griff” Griffiths, Jr., and the Chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to oppose the legislation described in Section 1, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye	
Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	aye	Juan Carlos Bermudez aye
Kevin Marino Cabrera	aye	Sen. René García aye
Roberto J. Gonzalez	nay	Keon Hardemon aye
Danielle Cohen Higgins	aye	Eileen Higgins aye
Kionne L. McGhee	aye	Raquel A. Regalado aye
Micky Steinberg	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of April, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "JZ" followed by a stylized flourish.

Javier Zapata