



## **MODEL BILL: REPEAL PAID SICK LEAVE PREEMPTION AND AFFIRM CLEAR LOCAL AUTHORITY TO REGULATE EMPLOYMENT CONDITIONS**

A bill to be entitled

An act relating to local government authority to regulate employment conditions; repealing s. XXX; creating s. XXX, granting express authority to local governments to enact laws establishing employment conditions that may exceed requirements in state or federal law.

**Be It Enacted by the Legislature of the State of XXXX:**

**Section 1.** Section [XXX REPEAL STATUTE], is repealed.

**Section 2.** Section XXX is created to read:

- (1) “Local government” means a county or a municipality.
- (2) “Political subdivision” means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.
- (3) “Employment conditions” means minimum wage or benefits requirements, worker protections or rights, or anything of value in addition to wages and salary that a worker may be entitled to receive. 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; profit-sharing benefits; local wage boards; fair scheduling laws; displaced worker laws; whistleblower protections; just cause protections; and independent contractor protections.
- (4) Notwithstanding any other provision of law, a local government may enact through its governing body or, when available, through its initiative or referendum powers, laws establishing employment conditions for individuals performing work within the geographic boundaries of the local government’s jurisdiction. Employment conditions established in accordance with this section may exceed the requirements in state law or federal law.
- (5) A local government that enacts any laws establishing employment conditions in accordance with this section may adopt provisions for the local enforcement of the laws, including but not limited to:
  - (a) A private right of action to enforce the requirements in a court of competent jurisdiction;
  - (b) At levels that may exceed those set by state law:
    1. Fines and penalties;
    2. Payment of unpaid wages or unpaid overtime based on those wages;
    3. Liquidated damages;

4. Interest;

5. Costs and attorney fees payable to any affected prevailing individual; and

6. Costs and attorney fees payable to the local government or its designated enforcement departments;

(c) Procedures for the local government to order any appropriate or equitable relief; and

(d) Other provisions necessary for the efficient and cost-effective enforcement of a local employment conditions law.

(6) Nothing in this section shall be construed to:

(a) Limit the authority of a political subdivision to establish a minimum wage other than a state or federal minimum wage or to regulate employment conditions in a manner not otherwise required under state or federal law:

1. For the employees of the political subdivision;

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

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.

(b) Limit or prohibit a federally authorized and recognized tribal government from requiring certain employment conditions for a person employed within a territory over which the tribe has jurisdiction.

**Section 3.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

**Section 4.** This act shall take effect upon becoming a law.