

**PROPOSED**

## ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY LIVING WAGE ORDINANCE; AMENDING SECTION 26-101 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING REQUIREMENTS FOR SKYCAPS AND EMPLOYEES PERFORMING TIP-RELATED PORTER ASSISTANCE SERVICES TO RECEIVE A LIVING WAGE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Mark D. Bogen)

WHEREAS, the Broward County Board of County Commissioners ("Board") finds that the Fort Lauderdale-Hollywood International Airport ("Airport") generates significant revenue for Broward County, and that the smooth and continuous operation of services at the Airport is crucial to the viability and growth of the Airport;

WHEREAS, Broward County has a proprietary interest in ensuring that Airport services are not disrupted because such disruption would disserve the public and would result in a substantial loss of Airport revenue;

WHEREAS, the Broward County Living Wage Ordinance ("Living Wage Ordinance") promotes the general welfare, health, and prosperity of Broward County by enabling workers to better support and care for their families and to fully participate in Broward County's economic, civic, and cultural experiences;

WHEREAS, numerous studies suggest that living wage laws benefit employers and the economy as a whole by improving employee performance, reducing employee turnover, and lowering absenteeism, thereby improving productivity and the quality of the services provided by the employees;

1 WHEREAS, the Living Wage Ordinance currently applies to certain covered  
2 services at the Airport, but does not apply to skycaps who handle luggage and perform  
3 curbside check-in that substantially impact the Airport's operations; and

4 WHEREAS, the Board desires to expand the Living Wage Ordinance to cover  
5 skycaps and to safeguard the significant revenue generated at the Airport,  
6

7 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
8 BROWARD COUNTY, FLORIDA:  
9

10 Section 1. Section 26-101 of the Broward County Code of Ordinances is hereby  
11 amended to read as follows:

12 **Sec. 26-101. Definitions.**

13 As used in the Living Wage Ordinance, reference to one gender shall include ~~the~~  
14 all others; use of the plural shall include the singular; and use of the singular shall include  
15 the plural. The following definitions apply unless the context in which the word or phrase  
16 is used requires a different meaning:

17 . . .

18 (h) *Covered employee* means:

- 19 (1) Each individual employed by a service contractor for a minimum of twenty  
20 (20) hours per week who, during the employment, is or was involved in  
21 providing services pursuant to the service contractor's contract with the  
22 County, except where the individual's primary compensation is composed  
23 of gratuities tips;  
24

(2) Each individual employed by an airline service provider who, during the employment, is or was involved in providing covered airport services pursuant to Section 26-101(l). Individuals employed by an airline service provider whose primary compensation is composed of ~~gratuities~~ tips are not covered employees, except for wheelchair attendants, skycaps, and employees performing tip-related porter assistance services, including curbside check-in, as described in Section 26-101(l)(6); and

...

(l) *Covered airport services* means the following services:

...

(6) *Porter Service for Air Carrier.* To handle and transport passenger baggage and other articles of personal property through the terminal buildings and areas, including the United States Federal Inspections areas and Transportation Security Administration areas. Such service includes, but is not limited to, skycaps, wheelchair attendants, luggage runners, ~~and electric cart drivers,~~ and employees performing tip-related porter assistance services, including curbside check-in. ~~An airline service provider is not required to pay a living wage to a skycap who handles luggage, performs curb side check in, and works primarily for gratuities;~~

...

## Section 2. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By /s/ Adam Katzman 09/29/2021  
Adam Katzman (date)  
Senior Assistant County Attorney

By /s/ René D. Harrod 09/29/2021  
René D. Harrod (date)  
Chief Deputy County Attorney

AMK/jl  
Living Wage Skycaps  
09/29/2021  
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