

ITEM #14

(Exhibit 2 – Proposed Ordinance)

**ADDITIONAL MATERIAL
REGULAR MEETING**

OCTOBER 19, 2021

**SUBMITTED AT THE REQUEST OF
OFFICE OF THE COUNTY ATTORNEY**

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;

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

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 employees performing porter assistance services and to safeguard the
6 significant revenue generated at the Airport,

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

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

13 **Sec. 26-101. Definitions.**

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

18 . . .

19 (h) *Covered employee* means:

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

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

8 . . .

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

10 . . .

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

20 . . .

21 Section 2. Severability.

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

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

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

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

10 Section 4. Effective Date.

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

12

13 ENACTED

PROPOSED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

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

18 By /s/ Adam Katzman 10/14/2021
19 Adam Katzman (date)
20 Senior Assistant County Attorney

21 By /s/ René D. Harrod 10/14/2021
22 René D. Harrod (date)
23 Chief Deputy County Attorney

24 AMK/jl
Living Wage Skycaps
10/14/2021
#588459_7