Exhibit 1

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD

2 COUNTY, FLORIDA, PERTAINING TO PREVAILING WAGE; AMENDING

3 SECTION 26-5 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE")

4 RELATING TO WAGES AND FRINGE BENEFITS ON COUNTY CONSTRUCTION

5 CONTRACTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND

6 AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)

8

9 WHEREAS, in 1983 the Broward County Board of County Commissioners ("Board")

10 enacted Section 26-5 of the Broward County Code of Ordinances ("Code"), establishing a

11 prevailing wage for construction contracts in excess of $250,000; and

12 WHEREAS, the Board finds it appropriate at this time to amend the Code as provided

13 herein,

14 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD

15 COUNTY, FLORIDA:

16 Section 1. Section 26-5 of the Broward County Code of Ordinances is hereby

17 amended and replaced in its entirety to read as follows:

18 [Underlining omitted]

19 **Sec. 26-5.   Rate of wages and fringe benefits on County construction contracts.**

20 (a) *Definitions*. As used in this section, unless otherwise specified, the following

21 terms shall have the following meanings:

Coding: Words ~~stricken~~ are deletions from existing text. Words <u>underlined</u> are additions to existing text.

22	*Contractor* means any individual, firm, corporation, partnership, company, association,
23	joint venture, or other entity that is responsible for the construction, alteration, repair,
24	demolition, reconstruction, or other improvements specified in the Construction Contract.
25	*Construction Contract* means a contract to which Broward County is a party that
26	requires more than two hundred fifty thousand dollars ($250,000) of construction, alteration,
27	repair, demolition, reconstruction, or any other improvements, including leases requiring a
28	tenant of Broward County, at the tenant's expense to make such improvements meeting the
29	dollar threshold stated above.
30	*Prevailing wage* means the wage rate and fringe benefits, or cash equivalent, paid to
31	workers employed by any Contractor or Subcontractor engaged in similar work within a
32	particular trade or occupation, as established for Broward County, Florida, by the Federal
33	Register.
34	*Subcontractor* means an individual, firm, corporation, partnership, company,
35	association, joint venture, or other entity that provides services through a Contractor for all or
36	any portion of a Construction Contract.
37	*Worker* means an individual employed by a Contractor or Subcontractor to perform
38	manual or physical labor, or other work of a craft traditionally recognized as construction work
39	by custom and usage in the construction industry, at the worksite in connection with a
40	Construction Contract. The term "worker" excludes those persons whose work is primarily
41	administrative, professional, or managerial.
42	(b) *Prevailing Wage Requirement.*
43	Every Construction Contract shall require that Workers be paid no less than the
44	prevailing wage most recently published by the U.S. Department of Labor in the Federal

45 Register as of the earlier of the following two events: (1) bid submittal by the Contractor; or

46 (2) the effective date of the Construction Contract.

47 (c) *Notice Requirement*. On or before the date any Worker commences work on a

48 Construction Contract, the Contractor must post a notice at a prominent location on the

49 worksite stating the requirements of this section.

50 (d) *Exceptions.*

51 (1) *Federal Funding*. This section does not apply to construction contracts that are

52 subject to the provisions of the Davis-Bacon Act (40 U.S.C. § 3141,

53 et seq.). For such contracts the minimum wages to be paid to the various

54 classes of workers shall be the wages as determined by the Secretary of Labor

55 in accordance with the Davis-Bacon Act.

56 (2) *Other Funding.* This section does not apply to public works projects that are

57 subject to Section 255.0992, Florida Statutes.

58 (3) *Development Agreement*. This section does not apply to any contract in which

59 Broward County requires the construction of certain improvements, including

60 but not limited to road construction, as an express condition of issuing a

61 development permit.

62 (4) *Broward County Employees*. This section does not apply to any construction

63 project performed by Broward County utilizing its own employees.

64 Section 2. Severability.

65 If any portion of this Ordinance is determined by any court to be invalid, the invalid

66 portion will be stricken, and such striking will not affect the validity of the remainder of this

67 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally

68 applied to any individual, group, entity, property, or circumstance, such determination will not

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69 affect the applicability of this Ordinance to any other individual, group, entity, property, or

70 circumstance.

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

72   It is the intention of the Board of County Commissioners that the provisions of this

73 Ordinance become part of the Broward County Code of Ordinances as of the effective date.

74 The sections of this Ordinance may be renumbered or relettered and the word "ordinance"

75 may be changed to "section," "article," or such other appropriate word or phrase to the extent

76 necessary to accomplish such intention.

77   Section 4.   Effective Date.

78   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_   10/29/2024
     Adam Katzman   (date)
     Deputy County Attorney

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