

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO EMPLOYEE RETENTION; AMENDING
3 SECTION 26.44 OF THE BROWARD COUNTY ADMINISTRATIVE CODE
4 (“ADMINISTRATIVE CODE”) TO COMPLY WITH SECTION 218.077, FLORIDA
5 STATUTES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE
6 ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

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8 WHEREAS, Chapter 2024-80, Laws of Florida, amended Section 218.077, Florida
9 Statutes, effective September 30, 2026, regarding the permissible scope of wage and
10 employment benefit conditions a political subdivision may impose through its procurement
11 and contracting procedures;

12 WHEREAS, as amended, Section 218.077 prohibits political subdivisions from
13 imposing minimum wage or employment benefits requirements not otherwise required by
14 state or federal law for contracts entered into on or after September 30, 2026;

15 WHEREAS, Chapter 2024-80 expressly provides that the amendments to
16 Section 218.077 do not impair any contract entered into before September 30, 2026; and

17 WHEREAS, the Board of County Commissioners finds it in the public interest to
18 amend certain employee retention requirements in the Broward County Administrative
19 Code to preserve the legal enforceability of those provisions for contracts entered into
20 prior to September 30, 2026, NOW, THEREFORE,

21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
22 BROWARD COUNTY, FLORIDA:

23 Section 1. Section 26.44 of the Broward County Administrative Code is hereby
24 amended to read as follows:

25 **26.44. Applicability.**

26 (a) a. The requirements of this Part shall not apply where and to the extent state
27 or federal law or regulations preclude their applicability.

28 (b) b. The provisions of Section 26.41 shall not apply to the extent they are
29 superseded by a collective bargaining agreement.

30 (c) c. ~~The provisions of Section 26.41 shall apply to Contracts entered into or~~
31 ~~amended after the Effective Date of Section 26.41~~ Effective September 30, 2026,
32 Section 26.41 shall not apply to any Contract entered into on or after September 30, 2026,
33 and shall thereafter be of no further force or effect except as provided in Section 26.44(d).

34 The provisions of Section 26.42 shall apply to Terminal Services Permits entered into or
35 amended after the Effective Date of Section 26.42.

36 d. Section 26.41 shall apply only to Contracts entered into prior to
37 September 30, 2026, as such Contracts may be amended from time to time, including the
38 continuation of such Contracts for optional renewal or extension terms included in the
39 applicable Contract prior to September 30, 2026, to the fullest extent permitted by, and
40 consistent with, Section 218.077, Florida Statutes, as amended.

41 (d) e. The provisions of this Part shall not be interpreted in a manner that conflicts
42 or interferes in any way with the rights of a Contractor, Subcontractor, or employee to
43 engage in protected activity, collective bargaining, or any protected speech.

44 Section 2. Severability.

45 If any portion of this Administrative Code Resolution is determined by any court to
46 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
47 of the remainder of this Administrative Code Resolution. If any court determines that this
48 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
49 individual, group, entity, property, or circumstance, such determination will not affect the
50 applicability of this Administrative Code Resolution to any other individual, group, entity,
51 property, or circumstance.

52 Section 3. Inclusion in the Broward County Administrative Code.

53 It is the intention of the Board of County Commissioners that the provisions of this
54 Administrative Code Resolution become part of the Broward County Administrative Code
55 as of the effective date. The sections of this Administrative Code Resolution may be
56 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
57 or such other appropriate word or phrase to the extent necessary to accomplish such
58 intention.

