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Miami Minimum Wage Ordinance Remains Invalid after Review Denied by Florida Supreme Court

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A 2016 Miami ordinance, intended to increase the City's minimum wage to more than \$13.00 an hour by 2021, remains invalid after the state's highest court denied review of a lower appellate court decision.

In 2003, the Florida legislature enacted a statute establishing the federal minimum wage as the minimum wage for the state of Florida and prohibiting local governments from passing ordinances that would seek to raise the minimum wage above the federal rate. The following year, Florida voters passed an initiative to amend the Florida Constitution to establish a statewide minimum wage higher than the federal minimum. Based on its interpretation of the amendment, the City of Miami believed that it now had the authority to establish a higher minimum wage than was provided under state law and, in 2016, enacted such an ordinance.

Representatives of a business federation brought suit, however, alleging that the local ordinance violated the 2003 state preemption statute. The Miami-Dade County Circuit Court agreed and declared that the Miami ordinance was unenforceable. The City appealed but the Third District Court of Appeals affirmed the lower court's decision, holding that the constitutional amendment merely allowed the state to change the state minimum wage and said nothing about preempting the preexisting statutory prohibition on local municipalities enacting a different minimum wage. Absent such explicit language, the appellate court concluded, it was not going to assume that the purpose of the amendment was to supersede the earlier statutory prohibition on local minimum wage ordinances.

The City then sought review by the Florida Supreme Court and last year, in a 4-3 vote, the state's high court agreed to do so, setting oral arguments for next month. In the interim, however, several justices retired under a state mandatory age law and Florida's newly-elected governor appointed new justices. On February 5th, the Florida Supreme Court dismissed the petition for review on a 5-2 vote, with all of the new justices joining in the dismissal. Thus, Florida remains one of nearly twenty states that have enacted laws prohibiting municipalities or other local jurisdictions from implementing their own minimum wage rates.

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