

By Senator Simpson

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1 A bill to be entitled
2 An act relating to local regulation of wage theft;
3 creating s. 448.111, F.S.; defining terms; providing
4 requirements for county ordinances regulating wage
5 theft; authorizing county funding to assist in
6 addressing claims of wage theft; preempting further
7 regulation of wage theft to the state; providing an
8 exception for an ordinance enacted by a specified
9 date; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 448.111, Florida Statutes, is created to
14 read:

15 448.111 Local regulation of wage theft.-

16 (1) DEFINITIONS.-As used in this section, the term:

17 (a) "Legal services organization" means an organization
18 that provides free or low-cost legal services to qualified
19 persons and meets the minimum standards established by The
20 Florida Bar for providing such services, including a legal
21 practice clinic operated by an accredited Florida law school.

22 (b) "Wage theft" means an illegal or improper underpayment
23 or nonpayment of an individual employee's wage, salary,
24 commission, or other similar form of compensation within a
25 reasonable time after the date on which the employee performed
26 the work to be compensated. A wage theft occurs when an employer
27 fails to pay a portion of the wages, salary, commissions, or
28 other similar forms of compensation due to an employee within a
29 reasonable time after the date on which the employee performed

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30 the work, according to the current applicable rate and the pay
31 schedule of the employer established by policy or practice.

32 (2) LOCAL ORDINANCES; REQUIRED PROVISIONS.—Upon the
33 determination by a county that a local solution to wage theft is
34 necessary, the county may adopt a local ordinance that includes
35 the following provisions:

36 (a) The county shall partner with a local legal services
37 organization for the purpose of establishing a local process
38 through which claims of wage theft shall be addressed by the
39 legal services organization. The county may partner with a legal
40 services organization located within the county itself or within
41 an adjoining county.

42 (b) An individual who has experienced wage theft may
43 contact the legal services organization for assistance in
44 recovering wages. The legal services organization shall
45 determine whether the individual has a bona fide claim for
46 unpaid wages.

47 (c) The legal services organization shall notify the
48 employer and provide the employer with an opportunity to resolve
49 the matter of unpaid wages in the manner deemed most appropriate
50 to each claim. The notification may occur by telephone, written
51 correspondence, or any other means deemed appropriate by the
52 legal services organization.

53 (d) The legal services organization shall work with the
54 employee and employer to resolve the issue informally but
55 expeditiously. The informal resolution may include obtaining
56 attorney fees and costs from the employer.

57 (e) The legal services organization shall file court
58 actions as appropriate and refer unresolved claims to local pro

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59 bono or other counsel for resolution.

60 (f) The county shall establish a reporting mechanism
61 through which the county receives regular reports regarding the
62 legal services organization's work on cases of wage theft. The
63 county may require monthly, quarterly, or annual reports, or any
64 combination thereof.

65 (3) FUNDING.—The county may dedicate county funds to assist
66 the legal services organization in addressing claims of wage
67 theft.

68 (4) PREEMPTION.—Except as provided in subsection (5), any
69 regulation of wage theft by a county, municipality, or other
70 political subdivision that exceeds the provisions in this
71 section is preempted to the state.

72 (5) CURRENT ORDINANCES.—Notwithstanding subsection (4), a
73 local ordinance governing wage theft which was enacted on or
74 before January 1, 2014, is not preempted by this section.

75 Section 2. This act shall take effect upon becoming a law.