

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to general labor regulations;
3 creating s. 448.055, F.S.; creating the
4 "Florida Basic Survival Wage Act"; providing
5 definitions; requiring employers to provide
6 certain breaks for each employee during each
7 8-hour work period; providing for a minimum
8 wage; providing for a wage payment component;
9 providing remedies; providing a time period for
10 actions; providing an effective date.

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

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14 Section 1. Section 448.055, Florida Statutes, is
15 created to read:

16 448.055 Florida Basic Survival Wage Act.--

17 (1) DEFINITIONS.--As used in this section:

18 (a) "Employee" means any individual employed by an
19 employer, including individuals employed by the state, its
20 political subdivisions, or agencies and instrumentalities
21 thereof.

22 (b) "Employer" means any person who employs one or
23 more employees.

24 (c) "Person" means an individual, partnership,
25 association, corporation, business trust, legal
26 representative, or any organized group of persons.

27 (d) "Wages" means and includes all compensation paid
28 by an employer or his agent for the performance of service by
29 an employee, including the cash value of all compensation paid
30 in any medium other than cash.

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1 (2) APPLICATION OF SECTION.--This section shall apply
2 to every employer as defined in this section. This law shall
3 not preclude an employee from exercising rights and protection
4 granted under any other state or federal law.

5 (3) REQUIRED MINIMUM BREAKS.--Every employer governed
6 by the provisions of this section shall provide a minimum of
7 two 15-minute breaks and one 30-minute break in each 8-hour
8 work period for each employee.

9 (4) MINIMUM WAGE REQUIRED.--Each employer governed by
10 the provisions of this section shall pay a minimum of \$3.50
11 per hour for each hour of employment for each employee.

12 (5) WAGE PAYMENT COMPONENT.--Each employer governed by
13 the provisions of this section shall pay all wages due to each
14 employee at least 4 weeks after work or services are
15 performed. Each employer governed by the provisions of this
16 section shall pay an employee who has been terminated or who
17 has resigned all wages due on or before 4 weeks after work or
18 services are performed.

19 (6) REMEDIES.--

20 (a) If an employee is paid by an employer less than
21 the minimum wage required by this section, the employee may
22 recover, in a civil action, twice the full amount of such
23 wages owed less any amount actually paid to him or her by the
24 employer, with costs and such reasonable attorney's fees as
25 may be allowed by the court.

26 (b) If any employer fails to pay an employee all wages
27 due within the time period prescribed by this section, such
28 employer shall, in addition to the amount due, be liable to
29 the employee an equal amount for liquidated damages.

30 (7) LIMITATION ON ACTIONS.--Actions under this section
31 must be brought within 2 years from the date of the injury.

1 In the case of willfull violations, actions must be brought
2 within 3 years.

3 Section 2. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

Creates the "Florida Basic Survival Wage Act" to require employers in Florida who employ one or more employees to provide each employee with two 15-minute breaks and one 30-minute break in each 8-hour work period and to provide for a minimum wage of \$3.50 per hour. Provides a wage payment component, remedies, and a time period for the filing of actions under the act. See bill for details.