

By the Committee on Commerce and Consumer Services; and
Senator Hill

577-1886-06

1 A bill to be entitled

2 An act relating to notification regarding the

3 state minimum wage; creating s. 448.109, F.S.;

4 providing definitions; requiring an employer to

5 display posters at worksites to provide

6 employees notice about the state minimum wage;

7 requiring the Agency for Workforce Innovation

8 to make available an updated poster each year;

9 providing for the size and contents of the

10 posters; providing an effective date.

11

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

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14 Section 1. Section 448.109, Florida Statutes, is

15 created to read:

16 448.109 Notification of the state minimum wage.--

17 (1) As used in this section, the terms:

18 (a) "Employer," "employee," and "wage" have the

19 meanings as established under the federal Fair Labor Standards

20 Act and its implementing regulations.

21 (b) "Florida minimum wage" means the wage that an

22 employer must, at a minimum, pay an employee pursuant to s.

23 24, Art. X of the State Constitution and implementing law.

24 (2) Each employer who must pay an employee the Florida

25 minimum wage shall prominently display a poster substantially

26 similar to the one made available pursuant to subsection (3)

27 in a conspicuous and accessible place in each establishment

28 where such employees are employed.

29 (3)(a) Each year the Agency for Workforce Innovation

30 shall, on or before December 1, create and make available to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 employers a poster in English and in Spanish which reads
2 substantially as follows:

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4 NOTICE TO EMPLOYEES

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6 The Florida minimum wage is \$ (amount) per hour
7 and \$ (amount) per hour for tipped workers for
8 January 1, (year), through December 31, (year).

9
10 The rate of the minimum wage is recalculated
11 yearly on September 30, based on the Consumer
12 Price Index. Every year on January 1 the new
13 Florida minimum wage takes effect.

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15 An employer may not retaliate against an
16 employee for exercising his or her right to
17 receive the minimum wage. Rights protected by
18 the State Constitution include the right to:

19 1. File a complaint about an employer's
20 alleged noncompliance with lawful minimum-wage
21 requirements.

22 2. Inform any person about an employer's
23 alleged noncompliance with lawful minimum-wage
24 requirements.

25 3. Inform any person of his or her
26 potential rights under Section 24, Article X of
27 the State Constitution and to assist him or her
28 in asserting such rights.

29
30 An employee who has not received the lawful
31 minimum wage after notifying his or her

1 employer and giving the employer 15 days to
2 resolve any claims for unpaid wages may bring a
3 civil action in a court of law against an
4 employer to recover back wages plus damages and
5 attorney's fees.

6
7 An employer found liable for intentionally
8 violating minimum-wage requirements is subject
9 to a fine of \$1,000 per violation, payable to
10 the state.

11
12 The Attorney General or other official
13 designated by the Legislature may bring a civil
14 action to enforce the minimum wage.

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16 For details see Section 24, Article X of the
17 State Constitution.

18
19 (b) The poster must be at least 8.5 inches by 11
20 inches and in a format easily seen by employees. The text in
21 the poster must be of a conspicuous size. The text in the
22 first line must be larger than the text of any other line and
23 the text of the first sentence must be in bold type and larger
24 than the text in the remaining lines.

25 Section 2. This act shall take effect January 1, 2007.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 786

This committee substitute makes the following changes to the bill as filed:

- Permits employers to display a poster that is substantially similar to the one the Agency for Workforce Innovation is directed to make available to employers;
- Requires that the language in the poster contain a provision requiring employees to give employers 15 days to resolve a claim for unpaid wages before a complaint is filed; and
- Changes the size of the required poster from 12 inches in height and 16 inches in width to 8.5 x11.