Florida Senate - 2006

CS for CS for SB 786

 ${\bf By}$ the Committees on Judiciary; Commerce and Consumer Services; and Senator Hill

590-2099-06 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 б employees notice about the state minimum wage; 7 requiring the Agency for Workforce Innovation 8 to make available an updated poster each year; providing for the size and contents of the 9 10 posters; providing an effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. Section 448.109, Florida Statutes, is 14 created to read: 15 16 448.109 Notification of the state minimum wage .--17 (1) As used in this section, the terms: (a) "Employer," "employee," and "wage" have the 18 meanings as established under the federal Fair Labor Standards 19 Act and its implementing regulations. 2.0 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. (2) Each employer who must pay an employee the Florida 2.4 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 2.8 where such employees are employed. (3)(a) Each year the Agency for Workforce Innovation 29 shall, on or before December 1, create and make available to 30 31

1

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

Florida Senate - 2006 590-2099-06

1	employers a poster in English and in Spanish which reads
2	substantially as follows:
3	
4	NOTICE TO EMPLOYEES
5	
6	<u>The Florida minimum wage is \$ (amount) per</u>
7	hour, with a minimum wage of at least \$
8	(amount) per hour for tipped employees, in
9	addition to tips, for January 1, (year),
10	through December 31, (year).
11	
12	The rate of the minimum wage is recalculated
13	yearly on September 30, based on the Consumer
14	Price Index. Every year on January 1 the new
15	<u>Florida minimum waqe takes effect.</u>
16	
17	<u>An employer may not retaliate against an</u>
18	employee for exercising his or her right to
19	receive the minimum wage. Rights protected by
20	the State Constitution include the right to:
21	<u>1. File a complaint about an employer's</u>
22	alleged noncompliance with lawful minimum-wage
23	requirements.
24	2. Inform any person about an employer's
25	alleged noncompliance with lawful minimum-wage
26	requirements.
27	3. Inform any person of his or her
28	potential rights under Section 24, Article X of
29	the State Constitution and to assist him or her
30	in asserting such rights.
31	

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	An employee who has not received the lawful
2	minimum wage after notifying his or her
3	employer and giving the employer 15 days to
4	resolve any claims for unpaid wages may bring a
5	civil action in a court of law against an
6	employer to recover back wages plus damages and
7	attorney's fees.
8	
9	An employer found liable for intentionally
10	violating minimum-wage requirements is subject
11	to a fine of \$1,000 per violation, payable to
12	the state.
13	
14	The Attorney General or other official
15	designated by the Legislature may bring a civil
16	action to enforce the minimum wage.
17	
18	For details see Section 24, Article X of the
19	State Constitution.
20	
21	(b) The poster must be at least 8.5 inches by 11
22	inches and in a format easily seen by employees. The text in
23	the poster must be of a conspicuous size. The text in the
24	first line must be larger than the text of any other line and
25	the text of the first sentence must be in bold type and larger
26	than the text in the remaining lines.
27	Section 2. This act shall take effect January 1, 2007.
28	
29	
30	
31	
	3

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

Florida Senate - 2006 590-2099-06

CS for CS for SB 786

1 STATEMENT OF SUBSTAINTAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR CS for Senate Bill 786 3 The committee substitute revises the notification poster to clarify that tipped employees receive tips, in addition to the minimum wage for tipped employees. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 31		
2 CS for Senate Bill 786 3 The committee substitute revises the notification poster to clarify that tipped employees receive tips, in addition to the minimum wage for tipped employees. 6 ************************************	1	
4 The committee substitute revises the notification poster to clarify that tipped employees receive tips, in addition to the minimum wage for tipped employees. 6 • 7 • 8 • 9 • 10 • 11 • 12 • 13 • 14 • 15 • 16 • 17 • 18 • 19 • 20 • 21 • 22 • 23 • 24 • 25 • 26 • 27 • 28 • 29 • 30 •	2	<u>CS for Senate Bill 786</u>
6 7 8 9 10 11 12 13 14 15 16 17 18 19 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	3	
6 7 8 9 10 11 12 13 14 15 16 17 18 19 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	4	The committee substitute revises the notification poster to
7 8 9 10 10 11 12 13 14 15 15 16 17 18 19 19 20 19 21 19 22 19 23 19 24 19 25 19 26 19 27 19 28 19 29 19 30 19	5	minimum wage for tipped employees.
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 30	6	
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 20 21 22 23 24 25 26 27 28 29 30	7	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 29 30 30	8	
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	9	
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	10	
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	11	
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	12	
 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 	13	
 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 	14	
 17 18 19 20 21 22 23 24 25 26 27 28 29 30 	15	
18 19 20 21 22 23 24 25 26 27 28 29 30	16	
19 20 21 22 23 24 25 26 27 28 29 30	17	
20 21 22 23 24 25 26 27 28 29 30	18	
 21 22 23 24 25 26 27 28 29 30 	19	
 22 23 24 25 26 27 28 29 30 	20	
 23 24 25 26 27 28 29 30 	21	
24 25 26 27 28 29 30	22	
25 26 27 28 29 30	23	
26 27 28 29 30	24	
27 28 29 30	25	
28 29 30	26	
29 30		
30		
	29	
31		
	31	

CODING: Words stricken are deletions; words <u>underlined</u> are additions.