

1 A bill to be entitled
 2 An act relating to the state minimum wage; amending s.
 3 448.110, F.S.; providing requirements for the adjustment
 4 of the state minimum wage; conforming cross-references;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Present subsections (3) through (11) of section
 10 448.110, Florida Statutes, are renumbered as subsections (4)
 11 through (12), respectively, a new subsection (3) is added to
 12 that section, and paragraph (a) of present subsection (4) and
 13 paragraph (a) of present subsection (6) of that section are
 14 amended, to read:

15 448.110 State minimum wage; annual wage adjustment;
 16 enforcement.—

17 (3) As used in this section, the term:

18 (a) "Adjusted real wage rate" means the wage rate
 19 establishing purchasing power parity with the base-period wage
 20 rate of \$6.15 set pursuant to subsection (4).

21 (b) "Federal minimum wage rate" means the minimum wage
 22 rate set by the Federal Government.

23 (c) "CPI-W" means the Consumer Price Index for Urban Wage
 24 Earners and Clerical Workers for the South Region, not
 25 seasonally adjusted, or a successor index as calculated by the
 26 United States Department of Labor.

27 (5)~~(4)~~(a) Beginning September 30, 2005, and annually on
 28 September 30 thereafter, the Agency for Workforce Innovation

29 shall calculate an adjusted real state minimum wage rate by
 30 using increasing the state minimum wage by the rate of inflation
 31 for the 12 months before ~~prior to~~ September 1. In calculating
 32 the adjusted real state minimum wage rate, the agency shall
 33 calculate the rate of inflation by computing the percentage
 34 change in the CPI-W. Each year the rate of inflation is
 35 multiplied by the previous year's computed adjusted real wage
 36 rate. This amount shall be added to or subtracted from the
 37 previous year's computed adjusted real wage rate ~~use the~~
 38 ~~Consumer Price Index for Urban Wage Earners and Clerical~~
 39 ~~Workers, not seasonally adjusted, for the South Region or a~~
 40 ~~successor index as calculated by the United States Department of~~
 41 ~~Labor.~~ The computed adjusted real wage rate becomes the Florida
 42 minimum wage, as defined in s. 448.109(1)(b), when both the
 43 previous year's Florida minimum wage rate and the current
 44 federal minimum wage rate are lower than the adjusted real wage
 45 rate. If the adjusted real wage rate is lower than the previous
 46 year's Florida minimum wage and lower than the federal minimum
 47 wage rate, then the higher of the two shall be the Florida
 48 minimum wage for the subsequent year. The adjusted real wage
 49 rate shall be the only basis used for calculating the subsequent
 50 year's adjusted real wage rate. Each Florida ~~adjusted state~~
 51 ~~minimum wage rate~~ shall take effect on the following January 1~~7~~
 52 ~~with the initial adjusted minimum wage rate to take effect on~~
 53 ~~January 1, 2006.~~

54 (7)-(6)(a) Any person aggrieved by a violation of this
 55 section may bring a civil action in a court of competent
 56 jurisdiction against an employer violating this section or a

CS/HB 1425

2011

57 party violating subsection (6) ~~(5)~~. However, prior to bringing
58 any claim for unpaid minimum wages pursuant to this section, the
59 person aggrieved shall notify the employer alleged to have
60 violated this section, in writing, of an intent to initiate such
61 an action. The notice must identify the minimum wage to which
62 the person aggrieved claims entitlement, the actual or estimated
63 work dates and hours for which payment is sought, and the total
64 amount of alleged unpaid wages through the date of the notice.

65 Section 2. This act shall take effect July 1, 2011.