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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2011	.	
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The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete lines 19 - 42
and insert:

448.110(5)(a).

Section 2. Present subsections (3) through (11) of section 448.110, Florida Statutes, are renumbered as subsections (4) through (12), respectively, a new subsection (3) is added to that section, and paragraph (a) of present subsection (4) and paragraph (a) of present subsection (6) of that section are amended, to read:

448.110 State minimum wage; annual wage adjustment;



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13 enforcement.-

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

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

18 (b) "Federal minimum wage rate" means the minimum wage rate
19 set by the Federal Government.

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

24 (5) ~~(4)~~ (a) Beginning September 30, 2005, and annually on
25 September 30 thereafter, the Agency for Workforce Innovation
26 shall calculate an adjusted real state minimum wage rate by
27 using ~~increasing the state minimum wage~~ by the rate of inflation
28 for the 12 months before ~~prior to~~ September 1. In calculating
29 the adjusted real state minimum wage rate, the agency shall
30 calculate the rate of inflation by computing the percentage
31 change in the CPI-W. Each year the rate of inflation is
32 multiplied by the previous year's computed adjusted real wage
33 rate. This amount shall be added to or subtracted from the
34 previous year's computed adjusted real wage rate ~~use the~~
35 ~~Consumer Price Index for Urban Wage Earners and Clerical~~
36 ~~Workers, not seasonally adjusted, for the South Region or a~~
37 ~~successor index as calculated by the United States Department of~~
38 ~~Labor.~~ The computed adjusted real wage rate becomes the Florida
39 minimum wage, as defined in s. 448.109(1)(b), when both the
40 previous year's Florida minimum wage rate and the current
41 federal minimum wage rate are lower than the adjusted real wage



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42 rate. If the adjusted real wage rate is lower than the previous
43 year's Florida minimum wage and lower than the federal minimum
44 wage rate, then the higher of the two shall be the Florida
45 minimum wage for the subsequent year. The adjusted real wage
46 rate shall be the only basis used for calculating the subsequent
47 year's adjusted real wage rate. Each Florida adjusted state
48 minimum wage rate shall take effect on the following January 1,
49 with the initial adjusted minimum wage rate to take effect on
50 January 1, 2006.

51 (7)(6)(a) Any person aggrieved by a violation of this
52 section may bring a civil action in a court of competent
53 jurisdiction against an employer violating this section or a
54 party violating subsection (6) ~~(5)~~. However, prior to bringing
55 any claim for unpaid minimum wages pursuant to this section, the
56 person aggrieved shall notify the employer alleged to have
57 violated this section, in writing, of an intent to initiate such
58 an action. The notice must identify the minimum wage to which
59 the person aggrieved claims entitlement, the actual or estimated
60 work dates and hours for which payment is sought, and the total
61 amount of alleged unpaid wages through the date of the notice.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete lines 5 - 7

66 and insert:

67 calculating the adjusted real wage rate and its
68 application as the Florida minimum wage when both the
69 previous year's Florida minimum wage and the Federal
70 minimum wage are lower; providing definitions;



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conforming a cross-reference;