

By the Committee on Commerce and Tourism; and Senator Detert

577-04365-11

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1 A bill to be entitled

2 An act relating to the state minimum wage; amending s.
3 448.109, F.S.; conforming a provision to changes made
4 by the act; amending s. 448.110, F.S.; providing for
5 calculating the adjusted real wage rate and its
6 application as the Florida minimum wage when both the
7 previous year's Florida minimum wage and the federal
8 minimum wage are lower; providing definitions;
9 conforming a cross-reference; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (b) of subsection (1) of section
15 448.109, Florida Statutes, is amended to read:

16 448.109 Notification of the state minimum wage.—

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

18 (b) "Florida minimum wage" means the wage that an employer
19 must, at a minimum, pay an employee pursuant to s. 24, Art. X of
20 the State Constitution and implementing law, including s.

21 448.110(5)(a).

22 Section 2. Present subsections (3) through (11) of section
23 448.110, Florida Statutes, are renumbered as subsections (4)
24 through (12), respectively, a new subsection (3) is added to
25 that section, and paragraph (a) of present subsection (4) and
26 paragraph (a) of present subsection (6) of that section are
27 amended, to read:

28 448.110 State minimum wage; annual wage adjustment;
29 enforcement.—

577-04365-11

20111610c1

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

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

34 (b) "Federal minimum wage rate" means the minimum wage rate
35 set by the Federal Government.

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

40 (5)~~(4)~~(a) Beginning September 30, 2005, and annually on
41 September 30 thereafter, the Agency for Workforce Innovation
42 shall calculate an adjusted real state minimum wage rate by
43 using ~~increasing the state minimum wage~~ by the rate of inflation
44 for the 12 months ~~before~~ prior to September 1. In calculating
45 the adjusted real state minimum wage rate, the agency shall
46 calculate the rate of inflation by computing the percentage
47 change in the CPI-W. Each year the rate of inflation is
48 multiplied by the previous year's computed adjusted real wage
49 rate. This amount shall be added to or subtracted from the
50 previous year's computed adjusted real wage rate ~~use the~~
51 ~~Consumer Price Index for Urban Wage Earners and Clerical~~
52 ~~Workers, not seasonally adjusted, for the South Region or a~~
53 ~~successor index as calculated by the United States Department of~~
54 ~~Labor.~~ The computed adjusted real wage rate becomes the Florida
55 minimum wage, as defined in s. 448.109(1)(b), when both the
56 previous year's Florida minimum wage rate and the current
57 federal minimum wage rate are lower than the adjusted real wage
58 rate. If the adjusted real wage rate is lower than the previous

577-04365-11

20111610c1

59 year's Florida minimum wage and lower than the federal minimum
60 wage rate, the higher of the two shall be the Florida minimum
61 wage for the subsequent year. The adjusted real wage rate shall
62 be the only basis used for calculating the subsequent year's
63 adjusted real wage rate. Each Florida ~~adjusted state~~ minimum
64 wage ~~rate~~ shall take effect on the following January 1, ~~with the~~
65 ~~initial adjusted minimum wage rate to take effect on January 1,~~
66 2006.

67 (7) ~~(6)~~(a) Any person aggrieved by a violation of this
68 section may bring a civil action in a court of competent
69 jurisdiction against an employer violating this section or a
70 party violating subsection (6) ~~(5)~~. However, prior to bringing
71 any claim for unpaid minimum wages pursuant to this section, the
72 person aggrieved shall notify the employer alleged to have
73 violated this section, in writing, of an intent to initiate such
74 an action. The notice must identify the minimum wage to which
75 the person aggrieved claims entitlement, the actual or estimated
76 work dates and hours for which payment is sought, and the total
77 amount of alleged unpaid wages through the date of the notice.

78 Section 3. This act shall take effect July 1, 2011.