

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-02681-12

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1                   A bill to be entitled  
2           An act relating to tipped employees; authorizing an  
3           employer to elect to guarantee that all tipped  
4           employees receive a wage, including tips, equal to a  
5           minimum percentage of the state minimum wage;  
6           requiring that the employer make the election in  
7           writing and prominently display it in the employer's  
8           premises; requiring that the election remain in effect  
9           for a specified period of time until revoked by the  
10          employer; providing that the employer is subject to  
11          civil actions and fines if the employer fails to pay a  
12          tipped employee the wage guaranteed under the act or  
13          engages in any discriminatory or retaliatory action;  
14          providing that an employer that pays a tipped employee  
15          the wage guaranteed is deemed to have fulfilled the  
16          employer's obligations with respect to payment of the  
17          state minimum wage; providing that the act does not  
18          affect the employer's obligation to comply with the  
19          federal Fair Labor Standards Act; providing an  
20          effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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24           Section 1. Optional guaranteed wage for tipped employees.-  
25 For tipped employees who meet eligibility requirements for the  
26 tip credit under the federal Fair Labor Standards Act, an  
27 employer may elect to guarantee that all such employees receive  
28 a wage, including tips, equal to at least 130 percent of the  
29 state minimum wage established pursuant to s. 448.110, Florida

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30 Statutes, rounded up to the next cent.

31 (1) The employer shall make this election in writing. This  
32 written election must be dated and prominently displayed in a  
33 conspicuous, accessible place on the employer's premises and  
34 must remain in effect for at least 1 year until revoked by the  
35 employer.

36 (2) If an employer fails to pay a tipped employee the wage  
37 guaranteed under this section, or engages in any discriminatory  
38 or retaliatory action prohibited under s. 448.110, Florida  
39 Statutes, the employer is subject to the civil actions and fines  
40 provided for under s. 448.110, Florida Statutes.

41 (3) An employer that pays a tipped employee the wage  
42 guaranteed under this section is deemed to have fulfilled the  
43 employer's obligations with respect to payment of the state  
44 minimum wage. This section does not affect an employer's  
45 obligation to comply with the requirements of the federal Fair  
46 Labor Standards Act.

47 Section 2. This act shall take effect July 1, 2012.