

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Goodson offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 34.01, Florida
 7 Statutes, is amended to read:

8 34.01 Jurisdiction of county court.—

9 (1) County courts shall have original jurisdiction:

10 (a) In all misdemeanor cases not cognizable by the circuit
 11 courts.;

12 (b) Of all violations of municipal and county ordinances.;

13 (c) Of all actions at law in which the matter in
 14 controversy does not exceed the sum of \$15,000, exclusive of
 15 interest, costs, and attorney's fees, except those within the
 16 exclusive jurisdiction of the circuit courts.;

17 (d) Of disputes occurring in the homeowners' associations
 18 as described in s. 720.311(2) (a), which shall be concurrent with
 19 jurisdiction of the circuit courts.

Amendment No. 1

20 (e) Of actions for the collection of compensation under s.
21 448.115, notwithstanding the amount in controversy prescribed in
22 paragraph (c).

23 Section 2. Section 448.115, Florida Statutes, is created
24 to read:

25 448.115 Civil action for wage theft; notice; civil
26 penalty; preemption.—

27 (1) (a) As used in this section, the term "wage theft"
28 means an illegal or improper underpayment or nonpayment of an
29 individual employee's wage, salary, commission, or other similar
30 form of compensation within a reasonable time from the date on
31 which the employee performed the work to be compensated.

32 (b) A wage theft occurs when an employer fails to pay a
33 portion of wages, salary, commissions, or other similar form of
34 compensation due to an employee within a reasonable time from
35 the date on which the employee performed the work, according to
36 the already applicable rate and the pay schedule of the employer
37 established by policy or practice. In the absence of an
38 established pay schedule, a reasonable time from the date on
39 which the employee performed the work is 2 weeks.

40 (2) (a) If an employer commits wage theft as defined in
41 paragraph (1) (a), an aggrieved employee may initiate a civil
42 action as provided in this section.

43 (b) County courts shall have original and exclusive
44 jurisdiction in all actions involving wage theft, as provided in
45 s. 34.01. Notwithstanding section 34.041, the filing fee for a
46 claim brought pursuant to this section may not exceed \$50.

47 (c) The action shall:

Amendment No. 1

48 1. Be brought in the county court in the county where the
49 employee performed the work; and

50 2. Be governed by the Florida Small Claims Rules.

51 (3) (a) Before bringing an action, the claimant must notify
52 the employer who is alleged to have engaged in wage theft of an
53 intent to initiate a civil action orally or in writing.

54 (b) The notice must identify the amount that the claimant
55 alleges is owed, the actual or estimated work dates and hours
56 for which compensation is sought, and the total amount of
57 compensation unpaid through the date of the notice.

58 (c) The employer has 7 days after the date of service of
59 the notice to pay the total amount of unpaid compensation or
60 otherwise resolve the action to the satisfaction of the
61 claimant.

62 (4) The action must be filed within 1 year after the last
63 date that the alleged unpaid work was performed by the employee.

64 (5) The claimant must prove wage theft by a preponderance
65 of the evidence. A prevailing claimant is entitled to damages
66 limited to twice the amount of compensation due and owing. The
67 court may only award economic damages expressly authorized in
68 this subsection, and may not award noneconomic or punitive
69 damages, or attorney fees to a prevailing party notwithstanding
70 section 448.08.

71 (6) (a) A county, municipality, or political subdivision
72 may establish an administrative, nonjudicial process under which
73 an assertion of unpaid compensation may be submitted by, or on
74 behalf of, an employee in order to assist in the collection of
75 compensation owed to the employee. Any such process, at a

Amendment No. 1

76 minimum, shall afford the parties involved an opportunity to
77 negotiate a resolution regarding the compensation in question.
78 The county, municipality, or political subdivision may, as part
79 of the process, assist the employee in completing an application
80 for a determination of civil indigent status under s. 57.082 and
81 may pay the filing fee under s. 34.041 on behalf of the
82 employee, if applicable. The process may not adjudicate a
83 compensation dispute between an employee and an employer nor
84 award damages to the employee.

85 (b) A county, municipality, or political subdivision may
86 not adopt or maintain in effect any law, ordinance, or rule that
87 creates requirements or regulations for the purpose of
88 addressing unpaid compensation claims other than to establish
89 the administrative, nonjudicial process provided for in this
90 subsection.

91 (c) Notwithstanding paragraph (b), a local ordinance
92 governing wage theft enacted on or before January 2, 2013, is
93 not preempted by this section.

94 (d) Any other regulation, ordinance, or provision for the
95 recovery of unpaid compensation by a county, municipality, or
96 political subdivision is expressly prohibited and is preempted
97 to the state.

98 Section 3. This act shall take effect upon becoming a law.
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102 **T I T L E A M E N D M E N T**

103 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1125 (2013)

Amendment No. 1

104 An act relating to employers and employees; amending s. 34.01,
105 F.S.; providing jurisdiction of county courts over wage theft
106 civil actions; creating s. 448.115, F.S.; providing a definition
107 for the term "wage theft"; creating a civil cause of action for
108 wage theft; providing the procedure for filing of a civil action
109 for wage theft; providing jurisdiction; limiting the filing fee
110 to no more than \$50; requiring a claimant to notify the employer
111 of the employee's intention to initiate a civil action;
112 allotting the employer a specific time to resolve the action;
113 providing a statute of limitations; requiring a claimant to
114 prove wage theft by a preponderance of the evidence; limiting
115 compensatory damages to twice the amount owed; prohibiting
116 certain damages; authorizing a county, municipality, or
117 political subdivision to establish a process by which a claim
118 may be filed; prohibiting a local government from adopting or
119 maintaining in effect a law, ordinance, or rule for the purpose
120 of addressing unpaid wage claims; prohibiting the preemption of
121 certain local ordinances governing wage theft; providing that
122 any regulation, ordinance, or other provision for recovery of
123 unpaid wages by counties, municipalities, or political
124 subdivisions is prohibited and preempted to the state; providing
125 an effective date.