



481306

LEGISLATIVE ACTION

Senate

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House

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Senator Bradley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit  
courts.~~†~~

(b) Of all violations of municipal and county ordinances.~~†~~

(c) Of all actions at law in which the matter in  
controversy does not exceed the sum of \$15,000, exclusive of



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14 interest, costs, and attorney's fees, except those within the  
15 exclusive jurisdiction of the circuit courts. ~~;~~ and

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

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

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

24 448.115 Civil action for wage theft; notice; civil penalty;  
25 preemption.-

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

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

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

42 (b) County courts shall have original and exclusive



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43 jurisdiction in all actions involving wage theft, as provided in  
44 s. 34.01(1)(e). Notwithstanding s. 34.041, the filing fee for a  
45 claim brought pursuant to this section may not exceed \$50.

46 (c) The action shall:

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

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

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

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

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

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

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

70 (6) (a) A county, municipality, or political subdivision may  
71 establish an administrative, nonjudicial process under which an



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

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

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

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

97 Section 3. This act shall take effect upon becoming a law.

99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:



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101 Delete everything before the enacting clause  
102 and insert:

103 A bill to be entitled  
104 An act relating to employers and employees; amending  
105 s. 34.01, F.S.; providing jurisdiction of county  
106 courts over wage theft civil actions; creating s.  
107 448.115, F.S.; providing a definition for the term  
108 "wage theft"; creating a civil cause of action for  
109 wage theft; providing the procedure for filing of a  
110 civil action for wage theft; providing jurisdiction;  
111 providing a limitation on the filing fee; requiring a  
112 claimant to notify the employer of the employee's  
113 intention to initiate a civil action; allotting the  
114 employer a specific time to resolve the action;  
115 providing a statute of limitations; requiring a  
116 claimant to prove wage theft by a preponderance of the  
117 evidence; providing a limitation for compensatory  
118 damages; prohibiting certain damages; authorizing a  
119 county, municipality, or political subdivision to  
120 establish a process by which a claim may be filed;  
121 prohibiting a local government from adopting or  
122 maintaining in effect a law, ordinance, or rule for  
123 the purpose of addressing unpaid wage claims;  
124 prohibiting the preemption of certain local ordinances  
125 governing wage theft; providing that any regulation,  
126 ordinance, or other provision for recovery of unpaid  
127 wages by counties, municipalities, or political  
128 subdivisions is prohibited and preempted to the state;  
129 providing an effective date.