



182618

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2014	.	
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The Committee on Rules (Richter) recommended 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;



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

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, an aggrieved  
40 employee may initiate a civil action pursuant to this section.



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41 (b) County courts have original and exclusive jurisdiction  
42 in all actions involving wage theft, as provided in s.  
43 34.01(1)(e). Notwithstanding s. 34.041, the filing fee for a  
44 claim brought pursuant to this section may not exceed \$50.

45 (c) The action shall:

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

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

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

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.



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70       (6) (a) A county, municipality, or political subdivision may  
71 establish an administrative, nonjudicial process under which an  
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. At a minimum, any such  
75 process 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) Any local regulation of wage theft enacted on or after  
85 January 1, 2014, by a county, municipality, or other political  
86 subdivision that exceeds the provisions of this section is  
87 preempted to the state. A county, municipality, or other  
88 political subdivision that has enacted a local ordinance or  
89 resolution regulating wage theft before January 1, 2014, may  
90 amend, revise, or repeal its ordinance or resolution on or after  
91 January 1, 2014.

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

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

97  
98 ===== T I T L E   A M E N D M E N T =====



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99 And the title is amended as follows:

100 Delete everything before the enacting clause  
101 and insert:

102 A bill to be entitled

103 An act relating to wage theft; amending s. 34.01,  
104 F.S.; expanding the original jurisdiction of county  
105 courts; creating s. 448.115, F.S.; defining the term  
106 "wage theft"; describing the occurrence of a wage  
107 theft; authorizing an aggrieved employee to initiate a  
108 civil action for wage theft; granting county courts  
109 original and exclusive jurisdiction over actions  
110 involving wage theft; specifying requirements to bring  
111 a civil action for wage theft; authorizing a county,  
112 municipality, or political subdivision to establish an  
113 administrative process to assist in the collection of  
114 compensation owed to an employee; preempting  
115 regulation of wage theft to the state after a  
116 specified date; exempting certain counties,  
117 municipalities, and political subdivisions; providing  
118 an effective date.