



275158

LEGISLATIVE ACTION

Senate

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House

Senator Simpson moved the following:

1 **Senate Substitute for Amendment (979238) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 448.111, Florida Statutes, is created to
7 read:

8 448.111 Local regulation of wage theft.-

9 (1) DEFINITIONS.-As used in this section, the term:

10 (a) "Legal services organization" means an organization
11 that provides free or low-cost legal services to qualified



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12 persons and meets the minimum standards established by The
13 Florida Bar for providing such services, including a legal
14 practice clinic operated by an accredited Florida law school.

15 (b) "Wage theft" means an illegal or improper underpayment
16 or nonpayment of an individual employee's wage, salary,
17 commission, or other similar form of compensation within a
18 reasonable time after the date on which the employee performed
19 the work to be compensated. A wage theft occurs when an employer
20 fails to pay a portion of the wages, salary, commissions, or
21 other similar forms of compensation due to an employee within a
22 reasonable time after the date on which the employee performed
23 the work, according to the current applicable rate and the pay
24 schedule of the employer established by policy or practice.

25 (2) LOCAL ORDINANCES; REQUIRED PROVISIONS.—Upon the
26 determination by a county that a local solution to wage theft is
27 necessary, the county may adopt a local ordinance that includes
28 the following provisions:

29 (a) The county shall partner with a local legal services
30 organization for the purpose of establishing a local process
31 through which claims of wage theft shall be addressed by the
32 legal services organization. The county may partner with a legal
33 services organization located within the county itself or within
34 an adjoining county.

35 (b) An individual who has experienced wage theft may
36 contact the legal services organization for assistance in
37 recovering wages. The legal services organization shall
38 determine whether the individual has a bona fide claim for
39 unpaid wages.

40 (c) The legal services organization shall notify the



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41 employer and provide the employer with an opportunity to resolve
42 the matter of unpaid wages in the manner deemed most appropriate
43 to each claim. The notification may occur by telephone, written
44 correspondence, or any other means deemed appropriate by the
45 legal services organization.

46 (d) The legal services organization shall work with the
47 employee and employer to resolve the issue informally but
48 expeditiously. The informal resolution may include obtaining
49 attorney fees and costs from the employer.

50 (e) The legal services organization shall file court
51 actions as appropriate and refer unresolved claims to local pro
52 bono or other counsel for resolution.

53 (f) The county shall establish a reporting mechanism
54 through which the county receives regular reports regarding the
55 legal services organization's work on cases of wage theft. The
56 county may require monthly, quarterly, or annual reports, or any
57 combination thereof.

58 (3) FUNDING.—The county may dedicate county funds to assist
59 the legal services organization in addressing claims of wage
60 theft.

61 (4) PREEMPTION.—A local regulation of wage theft enacted on
62 or after January 1, 2014, by a county, municipality, or other
63 political subdivision which exceeds the provisions of this
64 section is preempted to the state. A county, municipality, or
65 other political subdivision that has enacted a local ordinance
66 or resolution regulating wage theft before January 1, 2014, may
67 amend, revise, or repeal its ordinance or resolution on or after
68 January 1, 2014. Amendments and revisions to existing ordinances
69 or resolutions as authorized under this subsection do not cause



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70 such ordinances or resolutions to be preempted.

71 (5) PROSECUTION FOR WAGE THEFT.-This section does not
72 preclude a person who commits wage theft from being prosecuted
73 for theft under s. 812.014.

74 Section 2. This act shall take effect upon becoming a law.

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

77 And the title is amended as follows:

78 Delete everything before the enacting clause
79 and insert:

80 A bill to be entitled

81 An act relating to local regulation of wage theft;
82 creating s. 448.111, F.S.; defining terms; providing
83 requirements for county ordinances regulating wage
84 theft; authorizing county funding to assist in
85 addressing claims of wage theft; preempting further
86 regulation of wage theft to the state; providing an
87 exception for an ordinance enacted by a specified
88 date; specifying that a person who commits wage theft
89 is not precluded from being prosecuted for theft;
90 providing an effective date.