

1 A bill to be entitled
 2 An act relating to local regulation of wage theft;
 3 creating s. 448.111, F.S.; providing definitions;
 4 providing requirements for county ordinances
 5 regulating wage theft; authorizing county funding to
 6 assist in addressing claims of wage theft; preempting
 7 further regulation of wage theft to the state;
 8 providing an exception; providing an effective date.
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10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Section 448.111, Florida Statutes, is created
 13 to read:

14 448.111 Local regulation of wage theft.-

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

16 (a) "Legal services organization" means an organization
 17 that provides free or low-cost legal services to qualified
 18 persons and meets the minimum standards established by The
 19 Florida Bar for providing such services, including a legal
 20 practice clinic operated by an accredited Florida law school.

21 (b) "Wage theft" means an illegal or improper underpayment
 22 or nonpayment of an individual employee's wage, salary,
 23 commission, or other similar form of compensation within a
 24 reasonable time after the date on which the employee performed
 25 the work to be compensated. A wage theft occurs when an employer
 26 fails to pay a portion of the wages, salary, commissions, or

27 other similar forms of compensation due to an employee within a
28 reasonable time after the date on which the employee performed
29 the work, according to the current applicable rate and the pay
30 schedule of the employer established by policy or practice.

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

35 (a) The county shall partner with a local legal services
36 organization for the purpose of establishing a local process
37 through which claims of wage theft shall be addressed by the
38 legal services organization. The county may partner with a legal
39 services organization located within the county itself or within
40 an adjoining county.

41 (b) An individual who has experienced wage theft may
42 contact the legal services organization for assistance in
43 recovering wages. The legal services organization shall
44 determine whether the individual has a bona fide claim for
45 unpaid wages.

46 (c) The legal services organization shall notify the
47 employer and provide the employer with an opportunity to resolve
48 the matter of unpaid wages in the manner deemed most appropriate
49 to each claim. The notification may occur by telephone, written
50 correspondence, or any other means deemed appropriate by the
51 legal services organization.

52 (d) The legal services organization shall work with the

53 employee and employer to resolve the issue informally but
54 expeditiously. The informal resolution may include obtaining
55 attorney fees and costs from the employer.

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

59 (f) The county shall establish a reporting mechanism
60 through which the county receives regular reports regarding the
61 legal services organization's work on cases of wage theft. The
62 county may require monthly, quarterly, or annual reports, or any
63 combination thereof.

64 (3) FUNDING.—The county may dedicate county funds to
65 assist the legal services organization in addressing claims of
66 wage theft.

67 (4) PREEMPTION.—Any regulation of wage theft enacted on or
68 after January 1, 2014, by a county, municipality, or other
69 political subdivision that exceeds the provisions of this
70 section is preempted to the state.

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