

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the minimum wage; amending s.
3 448.110, F.S.; revising the formula for the adjusted
4 state minimum wage; reducing over time the amount of
5 tip credit an employer may claim; prohibiting an
6 employer from claiming a tip credit beginning on a
7 specified date; conforming a cross-reference;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Present subsections (5) through (11) of section
13 448.110, Florida Statutes, are redesignated as subsections (6)
14 through (12), respectively, a new subsection (5) is added to
15 that section, and subsection (4) and paragraph (a) of present
16 subsection (6) of that section are amended, to read:

17 448.110 State minimum wage; annual wage adjustment;
18 enforcement.—

19 (4) (a) Beginning September 30, 2019, and each September 30
20 ~~thereafter through 2027, 2005, and annually on September 30~~
21 ~~thereafter~~, the Department of Economic Opportunity shall
22 calculate an adjusted state minimum wage rate by increasing the
23 state minimum wage by the rate of inflation for the 12 months
24 preceding prior to September 1 of that year plus 80 cents.
25 Beginning September 30, 2028, and each September 30 thereafter,
26 the Department of Economic Opportunity shall increase the state
27 minimum wage by the rate of inflation for the 12 months
28 preceding September 1 of that year.

29 (b) In calculating the adjusted state minimum wage, the

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30 Department of Economic Opportunity shall use the Consumer Price
31 Index for Urban Wage Earners and Clerical Workers, not
32 seasonally adjusted, for the South Region or a successor index
33 as calculated by the United States Department of Labor.

34 (c) Each adjusted state minimum wage rate shall take effect
35 on the following January 1, with the initial adjusted state
36 minimum wage rate to take effect on January 1, 2020 ~~2006~~.

37 (d) ~~(b)~~ The Department of Revenue and the Department of
38 Economic Opportunity shall annually publish the amount of the
39 adjusted state minimum wage and the effective date. Publication
40 shall occur by posting the adjusted state minimum wage rate and
41 the effective date on the Internet home pages of the Department
42 of Economic Opportunity and the Department of Revenue by October
43 15 of each year. In addition, to the extent funded in the
44 General Appropriations Act, the Department of Economic
45 Opportunity shall provide written notice of the adjusted rate
46 and the effective date of the adjusted state minimum wage to all
47 employers registered in the most current reemployment assistance
48 database. Such notice shall be mailed by November 15 of each
49 year using the addresses included in the database. Employers are
50 responsible for maintaining current address information in the
51 reemployment assistance database. The Department of Economic
52 Opportunity is not responsible for failure to provide notice due
53 to incorrect or incomplete address information in the database.
54 The Department of Economic Opportunity shall provide the
55 Department of Revenue with the adjusted state minimum wage rate
56 information and effective date in a timely manner.

57 (5) (a) Beginning January 1, 2020, and each January 1
58 thereafter through 2027, the maximum amount of tip credit an

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59 employer may claim shall be reduced by 38 cents.

60 (b) Beginning January 1, 2028, an employer may not claim a
61 tip credit.

62 (7)~~(6)~~ (a) Any person aggrieved by a violation of this
63 section may bring a civil action in a court of competent
64 jurisdiction against an employer violating this section or a
65 party violating subsection (6)~~(5)~~. However, before ~~prior to~~
66 bringing any claim for unpaid minimum wages pursuant to this
67 section, the person aggrieved shall notify the employer alleged
68 to have violated this section, in writing, of an intent to
69 initiate such an action. The notice must identify the minimum
70 wage to which the person aggrieved claims entitlement, the
71 actual or estimated work dates and hours for which payment is
72 sought, and the total amount of alleged unpaid wages through the
73 date of the notice.

74 Section 2. This act shall take effect July 1, 2019.