

House Joint Resolution

A joint resolution proposing an amendment to Section 24 of Article X of the State Constitution to authorize the Legislature to provide a reduced minimum wage rate for prisoners in the state correctional system, for recently incarcerated employees, for employees under 21 years of age, and for other hard-to-hire employees.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 24 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X

MISCELLANEOUS

SECTION 24. Florida minimum wage.—

(a) PUBLIC POLICY. All working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.

26 (b) DEFINITIONS. As used in this amendment, the terms
27 "Employer," "Employee" and "Wage" shall have the meanings
28 established under the federal Fair Labor Standards Act (FLSA)
29 and its implementing regulations.

30 (c) MINIMUM WAGE. Employers shall pay Employees Wages no
31 less than the Minimum Wage for all hours worked in Florida. Six
32 months after enactment, the Minimum Wage shall be established at
33 an hourly rate of \$6.15. Effective September 30th, 2021, the
34 existing state Minimum Wage shall increase to \$10.00 per hour,
35 and then increase each September 30th thereafter by \$1.00 per
36 hour, until the Minimum Wage reaches \$15.00 per hour on
37 September 30th, 2026. On September 30th of 2027 and on each
38 following September 30th, the state Agency for Workforce
39 Innovation shall calculate an adjusted Minimum Wage rate by
40 increasing the current Minimum Wage rate by the rate of
41 inflation during the twelve months prior to each September 1st
42 using the consumer price index for urban wage earners and
43 clerical workers, CPI-W, or a successor index as calculated by
44 the United States Department of Labor. Each adjusted Minimum
45 Wage rate calculated shall be published and take effect on the
46 following January 1st. For tipped Employees meeting eligibility
47 requirements for the tip credit under the FLSA, Employers may
48 credit towards satisfaction of the Minimum Wage tips up to the
49 amount of the allowable FLSA tip credit in 2003.

50 (d) RETALIATION PROHIBITED. It shall be unlawful for an

51 Employer or any other party to discriminate in any manner or
52 take adverse action against any person in retaliation for
53 exercising rights protected under this amendment. Rights
54 protected under this amendment include, but are not limited to,
55 the right to file a complaint or inform any person about any
56 party's alleged noncompliance with this amendment, and the right
57 to inform any person of his or her potential rights under this
58 amendment and to assist him or her in asserting such rights.

59 (e) ENFORCEMENT. Persons aggrieved by a violation of this
60 amendment may bring a civil action in a court of competent
61 jurisdiction against an Employer or person violating this
62 amendment and, upon prevailing, shall recover the full amount of
63 any back wages unlawfully withheld plus the same amount as
64 liquidated damages, and shall be awarded reasonable attorney's
65 fees and costs. In addition, they shall be entitled to such
66 legal or equitable relief as may be appropriate to remedy the
67 violation including, without limitation, reinstatement in
68 employment and/or injunctive relief. Any Employer or other
69 person found liable for willfully violating this amendment shall
70 also be subject to a fine payable to the state in the amount of
71 \$1000.00 for each violation. The state attorney general or other
72 official designated by the state legislature may also bring a
73 civil action to enforce this amendment. Actions to enforce this
74 amendment shall be subject to a statute of limitations of four
75 years or, in the case of willful violations, five years. Such

76 actions may be brought as a class action pursuant to Rule 1.220
77 of the Florida Rules of Civil Procedure.

78 (f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND
79 CONSTRUCTION. Implementing legislation is not required in order
80 to enforce this amendment. The state legislature may by statute
81 establish additional remedies or fines for violations of this
82 amendment, raise the applicable Minimum Wage rate, reduce the
83 Minimum Wage rate for prisoners in the state correctional
84 system, reduce the Minimum Wage rate for recently incarcerated
85 employees, reduce the Minimum Wage rate for employees younger
86 than 21 years of age, reduce the Minimum Wage rate for other
87 hard-to-hire employees, reduce the tip credit, or extend
88 coverage of the Minimum Wage to employers or employees not
89 covered by this amendment. The state legislature may by statute
90 or the state Agency for Workforce Innovation may by regulation
91 adopt any measures appropriate for the implementation of this
92 amendment. This amendment provides for payment of a minimum wage
93 and shall not be construed to preempt or otherwise limit the
94 authority of the state legislature or any other public body to
95 adopt or enforce any other law, regulation, requirement, policy
96 or standard that provides for payment of higher or supplemental
97 wages or benefits, or that extends such protections to employers
98 or employees not covered by this amendment. It is intended that
99 case law, administrative interpretations, and other guiding
100 standards developed under the federal FLSA shall guide the

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101 construction of this amendment and any implementing statutes or
102 regulations.

103 (g) SEVERABILITY. If any part of this amendment, or the
104 application of this amendment to any person or circumstance, is
105 held invalid, the remainder of this amendment, including the
106 application of such part to other persons or circumstances,
107 shall not be affected by such a holding and shall continue in
108 full force and effect. To this end, the parts of this amendment
109 are severable.

110 BE IT FURTHER RESOLVED that the following statement be
111 placed on the ballot:

112 CONSTITUTIONAL AMENDMENT

113 ARTICLE X, SECTION 24

114 Article XII, SECTION 42

115 GRANTING THE LEGISLATURE AUTHORITY TO PROVIDE A REDUCED
116 MINIMUM WAGE RATE TO CERTAIN EMPLOYEES.—Proposing an amendment
117 to the State Constitution to grant the Legislature authority to
118 provide a reduced minimum wage rate for prisoners in the state
119 correctional system, for recently incarcerated employees, for
120 employees younger than 21 years of age, and for other hard-to-
121 hire employees.