

By Senator Brandes

24-00445A-22

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 24 of Article X of the State Constitution to authorize the Legislature to establish a minimum training wage rate lower than the Florida minimum wage rate which employers may elect to pay employees for the first 6 months of employment.

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.

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

(c) MINIMUM WAGE. Employers shall pay Employees Wages no

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30 less than the Minimum Wage for all hours worked in Florida. Six  
31 months after enactment, the Minimum Wage shall be established at  
32 an hourly rate of \$6.15. Effective September 30th, 2021, the  
33 existing state Minimum Wage shall increase to \$10.00 per hour,  
34 and then increase each September 30th thereafter by \$1.00 per  
35 hour, until the Minimum Wage reaches \$15.00 per hour on  
36 September 30th, 2026. On September 30th of 2027 and on each  
37 following September 30th, the state Agency for Workforce  
38 Innovation shall calculate an adjusted Minimum Wage rate by  
39 increasing the current Minimum Wage rate by the rate of  
40 inflation during the twelve months prior to each September 1st  
41 using the consumer price index for urban wage earners and  
42 clerical workers, CPI-W, or a successor index as calculated by  
43 the United States Department of Labor. Each adjusted Minimum  
44 Wage rate calculated shall be published and take effect on the  
45 following January 1st. For tipped Employees meeting eligibility  
46 requirements for the tip credit under the FLSA, Employers may  
47 credit towards satisfaction of the Minimum Wage tips up to the  
48 amount of the allowable FLSA tip credit in 2003.

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

58 (e) ENFORCEMENT. Persons aggrieved by a violation of this

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59 amendment may bring a civil action in a court of competent  
60 jurisdiction against an Employer or person violating this  
61 amendment and, upon prevailing, shall recover the full amount of  
62 any back wages unlawfully withheld plus the same amount as  
63 liquidated damages, and shall be awarded reasonable attorney's  
64 fees and costs. In addition, they shall be entitled to such  
65 legal or equitable relief as may be appropriate to remedy the  
66 violation including, without limitation, reinstatement in  
67 employment and/or injunctive relief. Any Employer or other  
68 person found liable for willfully violating this amendment shall  
69 also be subject to a fine payable to the state in the amount of  
70 \$1000.00 for each violation. The state attorney general or other  
71 official designated by the state legislature may also bring a  
72 civil action to enforce this amendment. Actions to enforce this  
73 amendment shall be subject to a statute of limitations of four  
74 years or, in the case of willful violations, five years. Such  
75 actions may be brought as a class action pursuant to Rule 1.220  
76 of the Florida Rules of Civil Procedure.

77 (f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND  
78 CONSTRUCTION. Implementing legislation is not required in order  
79 to enforce this amendment. The state legislature may by statute  
80 establish additional remedies or fines for violations of this  
81 amendment, raise the applicable Minimum Wage rate, reduce the  
82 tip credit, or extend coverage of the Minimum Wage to employers  
83 or employees not covered by this amendment. The state  
84 legislature may also establish a Minimum Training Wage rate less  
85 than the Minimum Wage rate. The Minimum Training Wage rate must  
86 be based on a federal temporary training wage rate, if any, or  
87 on the findings of a study commissioned every three years by the

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88 state legislature to determine a sufficient Minimum Training  
89 Wage rate. Once established, an employer may elect to pay an  
90 employee at the Minimum Training Wage rate, but a new employee  
91 may not be paid at the Minimum Training Wage rate for a period  
92 greater than six months after his or her date of hire. The state  
93 legislature may by statute or the state Agency for Workforce  
94 Innovation may by regulation adopt any measures appropriate for  
95 the implementation of this amendment. This amendment provides  
96 for payment of a minimum wage and shall not be construed to  
97 preempt or otherwise limit the authority of the state  
98 legislature or any other public body to adopt or enforce any  
99 other law, regulation, requirement, policy or standard that  
100 provides for payment of higher or supplemental wages or  
101 benefits, or that extends such protections to employers or  
102 employees not covered by this amendment. It is intended that  
103 case law, administrative interpretations, and other guiding  
104 standards developed under the federal FLSA shall guide the  
105 construction of this amendment and any implementing statutes or  
106 regulations.

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

114 BE IT FURTHER RESOLVED that the following statement be  
115 placed on the ballot:

116 CONSTITUTIONAL AMENDMENT

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117 ARTICLE X, SECTION 24  
118 GRANTING THE LEGISLATURE AUTHORITY TO ESTABLISH A MINIMUM  
119 TRAINING WAGE RATE.—Proposing an amendment to the State  
120 Constitution to grant the Legislature authority to establish a  
121 minimum training wage rate, less than the minimum wage rate,  
122 which may be paid to employees during their first 6 months of  
123 employment with a given employer. If the rate is established,  
124 employers may elect to pay the minimum training wage rate to new  
125 employees.