

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.

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

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

50 (d) The legal services organization shall work with the  
51 employee and employer to resolve the issue informally but  
52 expeditiously. The informal resolution may include obtaining

53 attorney fees and costs from the employer.

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

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

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

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

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