

CS/HB 609

2012

1 A bill to be entitled
2 An act relating to wage protection for employees;
3 creating a civil cause of action for the collection of
4 unpaid wages; defining terms; requiring an employer to
5 pay the wages due to an employee for the work that the
6 employee performed within a reasonable time after the
7 date on which the employee performed the work;
8 requiring a claimant, as a condition precedent to
9 bringing a claim for unpaid wages, to notify in
10 writing the employer of the employee's intention to
11 initiate a claim; providing for the content of the
12 notice; allotting the employer a specific time to pay
13 the total amount of unpaid wages or otherwise resolve
14 the claim to the satisfaction of the claimant;
15 providing for the venue of such claims; prohibiting
16 the maintenance of a class action; providing for
17 damages to include court costs and interest;
18 authorizing a county, municipality, or political
19 subdivision to establish an administrative,
20 nonjudicial process by which a claim may be filed by,
21 or on behalf of, an aggrieved employee; prohibiting a
22 county, municipality, or political subdivision from
23 adopting or maintaining in effect a law, ordinance, or
24 rule for the purpose of addressing unpaid wage claims
25 other than to establish an administrative process as
26 provided in the act; providing that any regulation,
27 ordinance, or other provision for recovery of unpaid
28 wages by counties, municipalities, or political

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subdivisions is prohibited and preempted to the state;
providing a limitation of applicability to certain
employers; providing an effective date.

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

Section 1. (1) There is created a civil cause of action
for the collection of unpaid wages.

(2) As used in this section, the term:

(a) "Wages" means wages, salaries, commissions, or other
similar forms of compensation.

(b) "Unpaid wages" means the improper underpayment or
nonpayment of wages within a reasonable time after the date on
which the employee performed the work for which the wages are
compensable.

(3) An employer shall pay the wages due to an employee for
the work that the employee performed and which are due within a
reasonable time after the date on which the employee performed
the work. The employer shall pay the wages according to the
applicable rate and the employer's own pay schedule established
by policy or practice. If a pay schedule has not been
established, a reasonable time following the date on which that
employee performed the work is presumed to be 2 weeks.

(4) As a condition precedent to bringing a claim for
unpaid wages, the claimant shall notify in writing the employer
alleged to have violated this section of the employee's intent
to initiate a claim. The notice must identify the amount that
the claimant alleges he or she is owed, the actual or estimated

57 work dates and hours for which payment is sought, and the total
58 amount of alleged unpaid wages through the date of the notice.
59 The employer has 15 days following the date of service of the
60 notice to pay the total amount of unpaid wages or otherwise
61 resolve the claim to the satisfaction of the claimant.

62 (5) The claim shall have its venue in the county where the
63 work was performed or where the employer resides. A claim for
64 unpaid wages shall be tried before the court and not before a
65 jury. The claimant does not have a right to a class action to
66 enforce such unpaid wage claims.

67 (6) A claim for unpaid wages under this section must be
68 filed within 1 year following the last date that the allegedly
69 unpaid work was performed by the employee.

70 (7) A prevailing claimant is entitled to damages, which
71 shall be the actual wages due and owing, plus court costs and
72 interest.

73 (8)(a) A county, municipality, or political subdivision
74 may establish an administrative, nonjudicial complaint process
75 by which an unpaid wage claim may be filed by, or on behalf of,
76 an aggrieved employee in order to assist in the collection of
77 wages owed to the employee. Any such process shall afford the
78 parties involved an opportunity to negotiate a resolution to the
79 wages in question.

80 (b) A county, municipality, or political subdivision may
81 not adopt or maintain in effect any law, ordinance, or rule that
82 creates requirements or regulations for the purpose of
83 addressing unpaid wage claims other than to establish the
84 administrative process provided for in this section.

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85 (c) Any other regulation, ordinance, or provision for the
86 recovery of unpaid wages by a county, municipality, or political
87 subdivision is expressly prohibited and is preempted to the
88 state.

89 (9) This section does not apply to an employer whose
90 annual gross volume of sales is more than \$500,000, exclusive of
91 sales tax collected or excise taxes paid.

92 Section 2. This act shall take effect July 1, 2012.