MEMORANDUM

Agenda Item No. 11(A)(5)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	November 3, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT**	Resolution opposing State Legislation that would preempt Miami-Dade County's wage theft ordinance

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
11-3-11

RESOLUTION NO. _____

RESOLUTION OPPOSING STATE LEGISLATION THAT WOULD PREEMPT MIAMI-DADE COUNTY'S WAGE THEFT ORDINANCE

WHEREAS, wage theft is when workers are paid below the minimum wage, not paid for overtime, forced to work off the clock, have their time cards altered, are misclassified as independent contractors, or are simply not paid a wage for work performed; and

WHEREAS, a 2010 report by the Research Institute on Social and Economic Policy for the Florida Wage Theft Task Force analyzed documented wage violations in Miami-Dade and Palm Beach Counties and found that from August, 2006 to August, 2010, there were 3,697 wage violations reported in the two counties worth about $3.6 million in unpaid wages; and

WHEREAS, in response to numerous instances of wage theft, this Board enacted Ordinance No. 10-16 on February 18, 2010 prohibiting wage theft and providing administrative procedures and private causes of action for wage theft; and

WHEREAS, Miami-Dade was the first county in the state to adopt a countywide wage theft law; and

WHEREAS, between the time of the ordinance's passage and September, 2011, $382,965 in lost wages were recovered from employers for workers in Miami-Dade County through conciliation and an additional $415,323 in lost wages were awarded through the hearing examiner process; and

WHEREAS, during the 2011 session of the Florida Legislature, bills were filed that would have preempted wage theft ordinance, SB 982 by Senator Jim Norman (R – Tampa) and HB 241 by Representative Tom Goodson (R – Titusville); and

WHEREAS, HB 241 passed the full Florida House by a 87-25, but died in messages when the Senate did not take up the bill; and

WHEREAS, SB 982 died on second reading on the floor of the Senate; and

WHEREAS, it is likely that bills preempting wage theft ordinances will be filed for consideration during the 2012 session; and

WHEREAS, this Board desires to express its opposition to these bills,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes State legislation that would preempt Miami-Dade County's wage theft ordinance.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Jim Norman and Representative Tom Goodson.

Section 3. Directs the County's state lobbyists to advocate against the legislation identified in Section 1 above, and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty