

MEMORANDUM

Agenda Item No. 11(A)(4)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Resolution urging the United
States Congress to enact
legislation raising the federal
minimum wage for tipped
employees

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/Imp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Agenda Item No. 11(A)(4)

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 Mayor'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)(4)

10-1-13

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS
TO ENACT LEGISLATION RAISING THE FEDERAL
MINIMUM WAGE FOR TIPPED EMPLOYEES

WHEREAS, since 1966, a separate provision of the minimum wage law has existed for people who work for gratuities, known generally as tipped employees; and

WHEREAS, tipped employees commonly work in service industries such as restaurants, hotels, nail salons, and car washes; and

WHEREAS, pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, (hereinafter, "FLSA"), the federal minimum wage is \$7.25 per hour; and

WHEREAS, under the FLSA, an employer of a tipped employee is only required to pay \$2.13 an hour in direct wages if that amount plus the tips received equals at least the federal minimum wage, the employee retains all tips and the employee customarily and regularly receives more than \$30 a month in tips; and

WHEREAS, the federal minimum wage for tipped employees has remained at \$2.13 per hour since 1991, even as the general federal minimum wage continued to rise; and

WHEREAS, the minimum wage in nineteen states, including Florida, is higher than the federal minimum wage, for both tipped and non-tipped employees; and

WHEREAS, pursuant to article X, section 24 of the Florida Constitution and section 448.110, Florida Statutes, the minimum wage in Florida as of January 1, 2013 is \$7.79 per hour, and \$4.77 per hour for tipped employees; and

WHEREAS, pursuant to article X, section 24 of the Florida Constitution and section 448.110, Florida Statutes, the Florida minimum wage is automatically increased each year to track the rate of inflation; and

WHEREAS, nine other states have minimum wages that track the rate of inflation; and

WHEREAS, during difficult economic times, it's often tipped employees who struggle the most, due to fewer customers and smaller tips from existing customers; and

WHEREAS, more than 70 percent of tipped employees are women; and

WHEREAS, while employers are supposed to ensure that consumer tips bring every employee to the overall minimum wage every hour that they work, data from the Restaurant Opportunities Centers United indicates that this rarely happens; and

WHEREAS, this Board would like to express its support for federal legislation raising the minimum wage for tipped employees,

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

Section 1. Urges the United States Congress to enact legislation raising the federal minimum wage for tipped employees.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 Federal Legislative Package to include this item and to include this item in the 2014 Federal Legislative Package when it is presented to the Board.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 2013. 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.

MJM

Michael J. Mastrucci