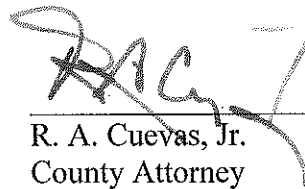


MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	DATE:	(Second Reading 2-3-15) November 5, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance related to wage theft; amending section 22-8 of the Code to extend time for sunset review of the wage theft ordinance from five years to ten years

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Audrey M. Edmonson, Commissioner Barbara J. Jordan, Chairman Jean Monestime, Commissioner Dennis C. Moss and Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

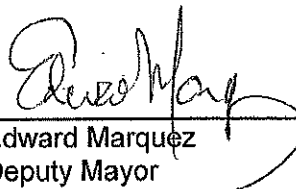
Memorandum



Date: February 3, 2015
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor
Subject: Ordinance Related To Wage Theft Ordinance

The proposed ordinance amends Section 22-8 of the code relating to the sunset review of the wage theft ordinance, by extending the time for sunset review by the Board of County Commissioners from five years to ten years.

Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor


Fis01315



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 7(D)

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. 7(D)
2-3-15

ORDINANCE NO. _____

ORDINANCE RELATED TO WAGE THEFT; AMENDING SECTION 22-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXTENDING TIME FOR SUNSET REVIEW OF WAGE THEFT ORDINANCE FROM FIVE YEARS TO TEN YEARS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

WHEREAS, Ordinance No. 10-16 included a provision that provided that the wage theft ordinance was subject to sunset review by this Board five years from the February 28, 2010 effective date of the ordinance; and

WHEREAS, this Board now desires to extend the date for sunset review by this Board from five years to 10 years from the effective date,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 22-8 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 22-8. Sunset Review.

This article shall, subject to a sunset review by this Board, stand repealed ~~[[five (5)]]~~ >>10<< years from its effective date.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eric A. Rodriguez

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Audrey M. Edmonson
Commissioner Barbara J. Jordan
Chairman Jean Monestime
Commissioner Dennis C. Moss
Commissioner Juan C. Zapata