

MEMORANDUM

Agenda Item No. 11(A)(5)

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

**DATE:** November 3, 2011

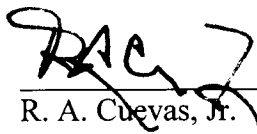
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT** Resolution opposing State  
Legislation that would preempt  
Miami-Dade County's wage theft  
ordinance

Resolution No. R-935-11

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

  
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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. R-935-11

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

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**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.

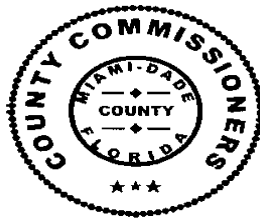
**Section 2.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Jim Norman and Representative Tom Goodson.

**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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> 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: ***Christopher Agrippa***  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Jess M. McCarty