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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 6-3-10)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 6, 2010

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

SUBJECT: Ordinance amending Chapter 22 of the Code that prohibits wage theft to clarify reasonable time for payment provision

Ordinance No. 10-37

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas, and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz and Commissioner Dorrin D. Rolle.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Chapter 22 of the Code that prohibits wage theft to clarify reasonable time for payment provision

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The ordinance amending Chapter 22 of the Code clarifying the reasonable time for payment of wages will not have a fiscal impact to Miami-Dade County. The change resolves business concerns regarding the definition of reasonable time for employees to be paid. These changes allow businesses to be compliant with the code.

Howard Piper,
Special Assistant

Fis04310

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(E)

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. 7(E)
6-3-10

ORDINANCE NO. **10-37**

ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA THAT PROHIBITS WAGE THEFT TO CLARIFY REASONABLE TIME FOR PAYMENT PROVISION; PROVIDING INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Chapter 22, Sections 1-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

CHAPTER 22 - WAGE THEFT

* * *

Sec. 22-2. Definitions.

* * *

(f) *Reasonable time* shall be presumed to be no later than fourteen calendar days from the date on which the work is performed [~~but may be modified for a period not to exceed thirty days by an express agreement between the employer and the employee which has been reduced to writing and signed by the employee.~~] >>unless the employer has established, by policy or practice, a pay schedule whereby employees earn and are consistently paid wages according to regularly recurring pay periods in which case such pay schedule shall govern.<<

[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 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.

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: **June 3, 2010**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Eric A. Rodriguez

Prime Sponsor: Commissioner Natacha Seijas
Co-Sponsors: Vice-Chairman Jose "Pepe" Diaz
Commissioner Dorrin D. Rolle