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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(12)

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

DATE: January 23, 2013

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

SUBJECT: Resolution urging the Florida Legislature to pass during the 2013 session a statewide Wage Theft Law modeled after the Miami-Dade County Wage Theft Ordinance

Resolution No. R-52-13

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/lmp

MEMORANDUM

(Revised)

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

DATE: January 23, 2013

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

SUBJECT: Agenda Item No. 11(A)(12)

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)(12)
1-23-13

RESOLUTION NO. R-52-13

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS DURING THE 2013 SESSION A STATEWIDE WAGE THEFT LAW MODELED AFTER THE MIAMI-DADE COUNTY 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 an 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 30, 2012, there were a total of 1,986 wage complaints, claims or inquiries logged, resulting in a total of $1,264,948 awarded to claimants; and

WHEREAS, on March 23, 2012, a Miami-Dade County circuit court ruled against a challenge to the Miami-Dade County wage theft ordinance, holding that Miami-Dade's ordinance

is a "reasonable exercise of governmental authority" and a "proper exercise of its police powers," which are guaranteed under the county's Home Rule Charter; and

WHEREAS, in October, 2012, the Broward County Commission became the second county in Florida to enact a wage theft ordinance; and

WHEREAS, wage theft is a problem not limited to Miami-Dade and Broward Counties and occurs across the State of Florida; and

WHEREAS, this Board would encourage the Florida Legislature to pass a statewide wage theft law based on the model of the Miami-Dade County wage theft ordinance,

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

Section 1. Urges the Florida Legislature to pass during the 2013 session a statewide wage theft law modeled the Miami-Dade County 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 and the Chair and Members of the Miami-Dade State Legislative Delegation and the Mayor and Members of the Broward County Board of County Commissioners.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include amend the 2013 state legislative package to include this item.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty