

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: August 31, 2020 (Second Reading scheduled for 11-19-20)

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance relating to wage theft;
repealing section 22-8 of the
Code; eliminating repeal and
sunset review provisions

Ordinance No. 20-123

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Sally A. Heyman, Vice Chairwoman Rebeca Sosa and Senator Javier D. Souto.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw

Memorandum



Date: November 12, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a light blue circular stamp.

Subject: Fiscal Impact Statement for Ordinance Relating to Wage Theft

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

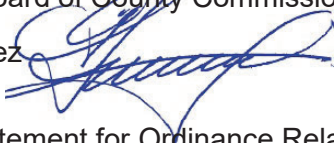
A handwritten signature in blue ink, appearing to read "Edward Marquez", written over a light blue circular stamp.

Edward Marquez
Deputy Mayor

201687

Date: November 12, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Wage Theft- Repealing Section 22-8
Eliminating Repeal and Sunset Review Provisions

The proposed ordinance relating to Wage Theft repeals Section 22-8 of the Code of Miami-Dade County (Code) eliminating repeal and sunset review provisions of the wage theft program.

The Wage Theft Ordinance has made a substantially positive impact on the community and has provided measurable benefits to workers and to responsible businesses operating in Miami-Dade County. The proposed ordinance will allow the program to continue as administered by the Department of Regulatory and Economic Resources.



Jack Osterholt
Deputy Mayor

201687



MEMORANDUM

(Revised)

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

DATE: November 19, 2020

FROM: 
Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 7(B)

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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(B)
11-19-20

ORDINANCE NO. 20-123

ORDINANCE RELATING TO WAGE THEFT; REPEALING
SECTION 22-8 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; ELIMINATING REPEAL AND SUNSET REVIEW
PROVISIONS; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 2010, this Board adopted Ordinance No. 10-16, which prohibited wage theft and established a wage theft program to recover unpaid wages; and

WHEREAS, Ordinance No. 10-16 provided that, subject to a sunset review by this Board, the wage theft program would stand repealed five years from its effective date; and

WHEREAS, in 2015, this Board adopted Ordinance No. 15-05, which extended the repeal date an additional five years; and

WHEREAS, on August 10, 2020, the Mayor submitted a memorandum and sunset review report to this Board advising that the wage theft program has had a positive impact on the community resulting in payment of over \$2.4 million directly to claimants; and

WHEREAS, as a result of the benefits provided by the wage theft program articulated in the Mayor's August 10, 2020, memorandum and report, the Mayor recommended that the repeal and sunset review provisions in section 22-8 of the Code of Miami-Dade County be eliminated; and

WHEREAS, this Board now desires to eliminate the repeal and sunset review provision of the wage theft program,

**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 repealed as follows:¹

~~[[Section 22-8.—Sunset Review~~

~~This article shall, subject to a sunset review by this Board,
stand repealed ten (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 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:

November 19, 2020

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in blue ink, appearing to be 'G. B. Lynn', is written over a horizontal line.

Prepared by:

Eric Rodriguez

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Sally A. Heyman
Vice Chairwoman Rebeca Sosa
Senator Javier D. Souto