



## Pinellas County Office of Human Rights

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To: Board of County Commissioners

Through: Mark Woodard, County Administrator

CC: Jim Bennett, County Attorney  
Bill Berger, Director, OMB  
Jack Loring, Workforce Development Manager  
Michelle Wallace, Sr. Assistant County Attorney  
Carl Brody, Sr. Assistant County Attorney

From: Paul Valenti, Director of Human Rights

Date: October 22, 2015

**Re: November 10, 2015, Public Hearing  
Proposed Wage Theft Recovery Ordinance**

As the Board well knows, this issue most recently came before you on October 20, 2015, for authority to advertise a public hearing. During this meeting, staff advised of several changes from the version of the ordinance then before you, and you provided directives to staff for additional changes as well.

These changes are as follows:

- 1) As the Board requested, the definition of an employer (§70-305(b), on page 2 of the “strike through/red line” version of the ordinance) has been revised to include Pinellas County and its municipalities as employers covered by the proposed ordinance<sup>1</sup>;
- 2) §70-306 (page 3, of the “strike through/red line” version of the ordinance) authorizes prevailing complainants to receive triple the amount of wages unpaid. Staffs from municipalities within Pinellas County have questioned the County’s authority to include this provision. The County Attorney’s Office has opined the Board does have this prerogative, but will again research the issue; and
- 3) Staff understands that one or more Commissioners have inquired how the proposed ordinance would be enforced. §70-308(2)(d) has been included to allow the county to enforce violations of the proposed ordinance in the same

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<sup>1</sup> Staff also removed language from the definition of an “employer” which would exempt Native American tribes and a Pinellas County Public Health Trusts from coverage of the ordinance, as no such entities exist within Pinellas County.

manner as other code violations. This could include fines of up to \$500.00, up to six (6) months imprisonment, and injunctive relief; and

4) The ordinance has been re-numbered so as to be incorporated into Chapter 70 of the Pinellas County Codes relating to Human Relations.

Staff has also been asked to obtain information from chambers of commerce in Miami-Dade County relative to incidences of fraudulent claims of wage theft since their ordinance became effective. Staff has not been able to glean this information prior in time to when materials for the November 10<sup>th</sup> Public Hearing must be entered into Legistar. Thus, this information will be relayed to you during staff briefings prior to November 10, or on the date of the hearing itself (as such information is obtained).

As always, I remain available at (727) 464-4880 to answer any questions you may have.