



There is no prohibition under the federal Fair Labor Standards Act (FLSA), against charging workers for items such as those described above, as long as these deductions do not take the worker's wages below the federal minimum hourly wage in a given pay period. In addition, FLS reports that there are significantly more state compliance officers in this area than federal compliance officers.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 450.34, F.S., to prohibit a farm labor contractor from making a charge or deduction from wages for any tools, equipment, transportation, or recruiting fees that are determined under the FLSA to be to the benefit of the employer.

**Section 2.** Provides an effective date of July 1, 2002.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. The committee substitute may cause employers to absorb some expenses that are presently passed on to the farm workers.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Chapter 450, F.S., defines “farm labor contractor” as any person who, for a fee, provides farm workers, who may work directly under his control or under the control of a third person. The purpose of the committee substitute is to prohibit certain acts of farm labor contractors. The language of the committee substitute prohibits charges for certain items determined to be for the benefit of the “employer.” “Employer” is not defined in the committee substitute or in Chapter 450, F.S., and it may not be clear who is covered by that word.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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