



HB 1327

2003

1 A bill to be entitled

2 An act relating to farm labor contractors; creating s.
3 450.39, F.S.; guaranteeing payment of wages by persons
4 utilizing the services of farm labor contractors; creating
5 s. 450.401, F.S.; providing a remedy for unpaid wages;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 450.39, Florida Statutes, is created to
11 read:

12 450.39 Guarantee of payment of wages.--

13 (1) Any person who utilizes the services of a farm labor
14 contractor to recruit, transport into or within the state,
15 supply, or hire one or more farm workers shall guarantee payment
16 of the applicable minimum wage as required by law that is due
17 from the farm labor contractor to the farm worker.

18 (2) When the work of two or more persons is being
19 performed during the same payroll period, the liability of each
20 person under this guarantee shall be limited to his or her
21 proportionate share.

22 Section 2. Section 450.401, Florida Statutes, is created
23 to read:

24 450.401 Remedy for unpaid wages.--

25 (1) Any farm worker aggrieved by a violation of s.
26 450.33(2) or the guarantee provided in s. 450.39 shall have the
27 right to bring civil action in a court of competent jurisdiction
28 for unpaid wages.

29 (2) In any such action, the farm worker shall be entitled
30 to recover from the farm labor contractor, pursuant to s.



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31 450.39, all unpaid wages due and liquidated damages in an amount
32 equal to the wages unlawfully withheld.

33 (3) In an action against a guarantor, the farm worker
34 shall be entitled to recover from a guarantor, pursuant to s.
35 450.39, all unpaid wages due. In addition, the farm worker shall
36 be entitled to recover liquidated damages in an amount equal to
37 the minimum wages unlawfully withheld if the guarantor has acted
38 in bad faith, including, but not limited to, failure to pay or
39 unreasonably delaying payment to the farm labor contractor or
40 unreasonably reducing payment to the farm labor contractor when
41 it is established that the guarantor knew or reasonably should
42 have known that the price set for the work was insufficient to
43 cover the minimum wage owed by the farm labor contractor.

44 Section 3. This act shall take effect July 1, 2003.