

By Senator Dawson

29-1417-03

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to farm labor; creating s.  
450.39, F.S.; providing that persons who use  
the services of farm labor contractors must  
guarantee the payment of applicable wages due  
to certain farm workers; creating s. 450.395,  
F.S.; providing legal remedies for farm workers  
whose wages were not paid as due; providing for  
the recovery of unpaid wages and of liquidated  
damages in specified circumstances; providing  
an effective date.

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

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

450.39 Guarantee of payment of wages.--

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

(2) If two or more persons are using the same farm  
labor contractor to perform any of the services described in  
subsection (1) during the same payroll period, the liability  
of each such person to guarantee payment under subsection (1)  
is limited to his or her proportionate share of the wages due  
from the farm labor contractor to the farm worker.

Section 2. Section 450.395, Florida Statutes, is  
created to read:

1           450.395 Remedy for unpaid wages.--  
2           (1) A farm worker aggrieved by a possible violation of  
3 s. 450.33(2) or the guarantee provided in s. 450.39 may bring  
4 a civil action for unpaid wages in a court of competent  
5 jurisdiction.

6           (2) In any action brought under subsection (1), the  
7 farm worker may recover from the farm labor contractor all  
8 unpaid wages due and liquidated damages in an amount equal to  
9 the wages unlawfully withheld from the worker.

10           (3) In an action against a guarantor, the farm worker  
11 may recover from the guarantor under s. 450.39 all unpaid  
12 minimum wages due. In addition, if the guarantor has acted in  
13 bad faith, the farm worker may recover liquidated damages in  
14 an amount equal to the minimum wages unlawfully withheld. As  
15 used in this subsection, the term "bad faith" includes, but is  
16 not limited to, failing to pay or unreasonably delaying  
17 payment to the farm labor contractor, or unreasonably reducing  
18 payment to the farm labor contractor, when the guarantor knew  
19 or reasonably should have known that the price set for the  
20 work was insufficient to cover the minimum wages owed by the  
21 farm labor contractor.

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

23  
24           \*\*\*\*\*

25           SENATE SUMMARY

26           Provides that persons who use the services of farm labor  
27           contractors must guarantee the payment of applicable  
28           wages due to the farm workers hired through those  
29           contractors. Provides legal remedies for farm workers  
30           whose wages are due but unpaid. Provides for the award of  
31           liquidated damages in specified circumstances.