

By Senator Hill

1-1600-04

1 A bill to be entitled
2 An act relating to farm labor; creating s.
3 450.39, F.S.; providing that persons who use
4 the services of farm labor contractors must
5 guarantee the payment of applicable wages due
6 to certain farm workers; creating s. 450.395,
7 F.S.; providing legal remedies for farm workers
8 whose wages were not paid as due; providing for
9 the recovery of unpaid wages and of liquidated
10 damages in specified circumstances; providing
11 an effective date.

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

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

17 450.39 Guarantee of payment of wages.--

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

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

30 Section 2. Section 450.395, Florida Statutes, is
31 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, 2004.

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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.