

By Senator Bennett

21-897-06

See HB 219

1 A bill to be entitled

2 An act relating to labor pools; amending s.

3 448.24, F.S.; providing a limit on the amount a

4 labor pool may charge a laborer for

5 transportation to or from a designated

6 worksite; authorizing a labor pool to provide

7 day laborers with a method of obtaining cash

8 from a cash-dispensing machine; amending s.

9 448.23, F.S.; conforming a cross-reference;

10 creating s. 448.26, F.S.; providing for

11 application of pt. II of ch. 448, F.S., the

12 Labor Pool Act; providing an effective date.

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

16 Section 1. Subsection (1) of section 448.24, Florida

17 Statutes, is amended, paragraph (a) of subsection (2) of that

18 section is reenacted, and subsection (7) is added to that

19 section, to read:

20 448.24 Duties and rights.--

21 (1) No labor pool shall charge a day laborer for or in

22 violation of any of the following:

23 (a) ~~For~~ Safety equipment, clothing, accessories, or

24 any other items required by the nature of the work ~~either~~ by

25 law, custom, or as a requirement of the third-party user. +

26 1. This subsection shall not preclude the labor pool

27 from charging the day laborer the market value of items

28 temporarily provided to the worker by the labor pool, in the

29 event that the worker willfully fails to return such items to

30 the labor pool. +

1 2. For items other than those referenced in this
2 paragraph, which the labor pool makes available for purchase,
3 the day laborer shall be charged no more than the actual cost
4 of the item to the labor pool, or market value, whichever is
5 less.†

6 (b) More than a reasonable amount to transport a
7 worker to or from the designated worksite, but in no event
8 shall the amount exceed \$1.50 each way. ~~the prevailing rate~~
9 ~~for public transportation in the geographic area; or~~

10 (c) ~~For~~ Directly or indirectly cashing a worker's
11 check.

12 (2) A labor pool shall:

13 (a) Compensate day laborers for work performed in the
14 form of cash, or commonly accepted negotiable instruments that
15 are payable in cash, on demand at a financial institution, and
16 without discount.

17 (7) Nothing in this part precludes the labor pool from
18 providing a day laborer with a method of obtaining cash from a
19 cash-dispensing machine that is located on the premises of the
20 labor pool and is operated by the labor pool, or by an
21 affiliate, pursuant to chapter 560, if required, for a fee for
22 each transaction, which may not exceed \$1.99, provided:

23 (a) The labor pool offers payment in compliance with
24 the provisions of paragraph (2)(a).

25 (b) The day laborer voluntarily elects to accept
26 payment in cash after disclosure of the fee.

27 (c) The cash-dispensing machine requires affirmative
28 action by the day laborer with respect to imposition of the
29 fee and allows the day laborer to negate the transaction in
30 lieu of payment in compliance with paragraph (2)(a).

31

1 Section 2. Section 448.23, Florida Statutes, is
2 amended to read:

3 448.23 Exclusions.--Except as specified in ~~ss. s-~~
4 448.22(1)(c) and 448.26, this part does not apply to:

5 (1) Business entities duly registered as farm labor
6 contractors pursuant to part III of chapter 450;

7 (2) Employee leasing companies, as defined in s.
8 468.520;

9 (3) Temporary help services engaged in supplying
10 solely white collar employees, secretarial employees, clerical
11 employees, or skilled laborers;

12 (4) Labor union hiring halls; or

13 (5) Labor bureau or employment offices operated by a
14 business entity for the sole purpose of employing an
15 individual for its own use.

16 Section 3. Section 448.26, Florida Statutes, is
17 created to read:

18 448.26 Application.--Nothing in this part shall exempt
19 any client of any labor pool or temporary help arrangement
20 entity as described in s. 468.520(4)(a) or any assigned
21 employee from any other license requirements of state, local,
22 or federal law. Any employee assigned to a client company, as
23 defined in s. 468.520, who is licensed, registered, or
24 certified pursuant to law shall be deemed an employee of the
25 client company for such licensure purposes but shall remain an
26 employee of the labor pool or temporary help arrangement
27 entity for purposes of chapters 440 and 443.

28 Section 4. This act shall take effect July 1, 2006.
29
30
31