

1 A bill to be entitled
 2 An act relating to labor pools; amending s. 448.24, F.S.;
 3 providing a limit on the amount a labor pool may charge a
 4 laborer for transportation to or from a designated
 5 worksite; authorizing a labor pool to provide day laborers
 6 with a method of obtaining cash from a cash-dispensing
 7 machine; amending s. 448.23, F.S.; conforming a cross-
 8 reference; creating s. 448.26, F.S.; providing for
 9 application of pt. II of ch. 448, F.S., the Labor Pool
 10 Act; providing an effective date.

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

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 14 Section 1. Subsection (1) of section 448.24, Florida
 15 Statutes, is amended, and subsection (7) is added to that
 16 section, to read:

17 448.24 Duties and rights.--

18 (1) No labor pool shall charge a day laborer for or in
 19 violation of any of the following:

20 (a) ~~For~~ Safety equipment, clothing, accessories, or any
 21 other items required by the nature of the work either by law,
 22 custom, or as a requirement of the third-party user:

23 1. This subsection shall not preclude the labor pool from
 24 charging the day laborer the market value of items temporarily
 25 provided to the worker by the labor pool, in the event that the
 26 worker willfully fails to return such items to the labor pool.+

27 2. For items other than those referenced in this
 28 paragraph, which the labor pool makes available for purchase,

29 | the day laborer shall be charged no more than the actual cost of
 30 | the item to the labor pool, or market value, whichever is less.†

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

35 | (c) ~~For~~ Directly or indirectly cashing a worker's check.

36 | (2) A labor pool shall:

37 | (a) Compensate day laborers for work performed in the form
 38 | of cash, or commonly accepted negotiable instruments that are
 39 | payable in cash, on demand at a financial institution, and
 40 | without discount.

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

47 | (a) The labor pool offers payment in compliance with the
 48 | provisions of paragraph (2)(a).

49 | (b) The day laborer voluntarily elects to accept payment
 50 | in cash after disclosure of the fee.

51 | (c) The cash-dispensing machine requires affirmative
 52 | action by the day laborer with respect to imposition of the fee
 53 | and allows the day laborer to negate the transaction in lieu of
 54 | payment in compliance with paragraph (2)(a).

55 | Section 2. Section 448.23, Florida Statutes, is amended to
 56 | read:

57 448.23 Exclusions.--Except as specified in ss. s.

58 448.22(1)(c) and 448.26, this part does not apply to:

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

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

62 (3) Temporary help services engaged in supplying solely
63 white collar employees, secretarial employees, clerical
64 employees, or skilled laborers;

65 (4) Labor union hiring halls; or

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

69 Section 3. Section 448.26, Florida Statutes, is created to
70 read:

71 448.26 Application.--Nothing in this part shall exempt any
72 client of any labor pool or temporary help arrangement entity as
73 described in s. 468.520(4)(a) or any assigned employee from any
74 other license requirements of state, local, or federal law. Any
75 employee assigned to a client company, as defined in s. 468.520,
76 who is licensed, registered, or certified pursuant to law shall
77 be deemed an employee of the client company for such licensure
78 purposes but shall remain an employee of the labor pool or
79 temporary help arrangement entity for purposes of chapters 440
80 and 443.

81 Section 4. This act shall take effect July 1, 2006.