

1                   A bill to be entitled  
 2           An act relating to labor regulations; providing a  
 3           short title; amending s. 448.01, F.S.; revising the  
 4           number of hours of labor that comprise a legal day's  
 5           work; revising rates of overtime compensation for  
 6           labor performed in excess of certain of hours of work;  
 7           providing for applicability; providing that commuting  
 8           to and from certain locations is not a part of a day's  
 9           work under certain circumstances; providing that the  
 10          act does not affect an employer's liability under the  
 11          Workers' Compensation Law; providing an effective  
 12          date.

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

16           Section 1. This act may be cited as the "Florida Overtime  
 17 Act of 2013."

18           Section 2. Section 448.01, Florida Statutes, is amended to  
 19 read:

20           448.01 Legal day's work; overtime; commuting ~~extra~~ pay.—

21           (1) Eight ~~Ten~~ hours of labor shall be a legal day's work.

22           (2) Any work in excess of 8 hours in any one workday, any  
 23 work in excess of 40 hours in any one workweek, and the first 8  
 24 hours worked on the 7th day of any one workweek shall be  
 25 compensated at the rate of at least one and one-half times the  
 26 employee's base rate of pay. Any work in excess of 12 hours in  
 27 any one workday, or any work in excess of 8 hours on the 7th day  
 28 of any one workweek, shall be compensated at the rate of at

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29 least twice the employee's base rate of pay. This section does  
30 not require an employer to combine more than one rate of  
31 overtime compensation in order to calculate the amount to be  
32 paid to an employee for any hour of overtime work. This  
33 subsection does not apply to the payment of overtime  
34 compensation to an employee working pursuant to any of the  
35 following:

36 (a) An alternative workweek schedule adopted pursuant to a  
37 collective bargaining agreement.

38 (b) An alternative workweek schedule to which this chapter  
39 does not apply.

40 (3) Time spent commuting to and from the first place where  
41 the employer requires an employee's presence is not a part of a  
42 day's work when the employee commutes in a vehicle that is  
43 owned, leased, or subsidized by the employer and is used for the  
44 purpose of ridesharing.

45 (4) This section does not affect, change, or limit an  
46 employer's liability under the Workers' Compensation Law, and  
47 when any person employed to perform manual labor of any kind by  
48 the day, week, month or year renders 10 hours of labor, he or  
49 she shall be considered to have performed a legal day's work,  
50 unless a written contract has been signed by the person so  
51 employed and the employer, requiring a less or greater number of  
52 hours of labor to be performed daily.

53 ~~(2) Unless such written contract has been made, the person~~  
54 ~~employed shall be entitled to extra pay for all work performed~~  
55 ~~by the requirement of his or her employer in excess of 10 hours'~~  
56 ~~labor daily.~~

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Section 3. This act shall take effect July 1, 2013.