

By Senator Bullard

39-01308-15

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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 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; prohibiting an  
 10      employer from requiring an employee to continue  
 11      working after the employee's shift under certain  
 12      circumstances; prohibiting an employer from paying an  
 13      employee for less than the amount of contracted hours  
 14      worked by the employee; providing penalties; providing  
 15      that the act does not affect an employer's liability  
 16      under the Workers' Compensation Law; providing an  
 17      effective date.

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

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 21       Section 1. This act may be cited as the "Florida Overtime  
 22 Act of 2015."

23       Section 2. Section 448.01, Florida Statutes, is amended to  
 24 read:

25       448.01 Legal day's work; overtime; commuting ~~extra~~ pay.—

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

27       (2) Any work in excess of 8 hours in any 1 workday, any  
 28 work in excess of 40 hours in any 1 workweek, and the first 8  
 29 hours worked on the 7th day of any 1 workweek shall be

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30 compensated at the rate of at least one and one-half times the  
31 employee's base rate of pay. Any work in excess of 12 hours in  
32 any 1 workday, or any work in excess of 8 hours on the 7th day  
33 of any 1 workweek, shall be compensated at the rate of at least  
34 twice the employee's base rate of pay. This section does not  
35 require an employer to combine more than one rate of overtime  
36 compensation in order to calculate the amount to be paid to an  
37 employee for any hour of overtime work. This subsection does not  
38 apply to the payment of overtime compensation to an employee  
39 working pursuant to any of the following:

40 (a) An alternative workweek schedule adopted pursuant to a  
41 collective bargaining agreement.

42 (b) An alternative workweek schedule to which this chapter  
43 does not apply.

44 (3) Time spent commuting to and from the first place where  
45 the employer requires an employee's presence is not a part of a  
46 workday when the employee commutes in a vehicle that is owned,  
47 leased, or subsidized by the employer and is used for the  
48 purpose of ridesharing.

49 (4) An employer who requires an employee to:

50 (a) Document the conclusion of the employee's shift, by  
51 punching a time clock or other similar method, and subsequently  
52 requires the employee to continue working without punching the  
53 time clock to signify the beginning of a new shift; or

54 (b) Sign an employment contract to work a specified number  
55 of hours and pays the employee for less than the amount of  
56 contracted hours worked by the employee,

57  
58 commits a misdemeanor of the first degree, punishable as

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59 provided in s. 775.082 or s. 775.083.

60 (5) This section does not affect, change, or limit an  
61 employer's liability under the Workers' Compensation Law, and  
62 ~~when any person employed to perform manual labor of any kind by~~  
63 ~~the day, week, month or year renders 10 hours of labor, he or~~  
64 ~~she shall be considered to have performed a legal day's work,~~  
65 ~~unless a written contract has been signed by the person so~~  
66 ~~employed and the employer, requiring a less or greater number of~~  
67 ~~hours of labor to be performed daily.~~

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

72 Section 3. This act shall take effect July 1, 2015.