

By Senator Torres

15-01269-20

20201436\_\_

1                   A bill to be entitled  
2           An act relating to overtime pay; creating s. 448.115,  
3           F.S.; requiring employers to pay certain employees  
4           overtime pay at a specified rate; requiring the  
5           Department of Economic Opportunity to adjust, at  
6           specified intervals, the threshold for mandatory  
7           overtime pay; providing effective dates for the  
8           adjusted thresholds; repealing s. 448.01, F.S.,  
9           relating to a legal day's work and extra pay; amending  
10          s. 448.24, F.S.; conforming a provision to changes  
11          made by the act; providing 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 448.115, Florida Statutes, is created to  
16           read:

17           448.115 Overtime pay.-

18           (1) Effective July 1, 2020, an employer must pay a salaried  
19           employee who makes less than \$51,064 per year overtime pay for  
20           hours worked over 40 in a workweek at a rate not less than time  
21           and one-half the employee's regular rate of pay.

22           (2) Beginning September 30, 2023, and on September 30 of  
23           every third year thereafter, the Department of Economic  
24           Opportunity shall adjust the threshold for mandatory overtime  
25           pay so that it is aligned with the 40th percentile of weekly  
26           earnings of full-time salaried workers in the lowest wage census  
27           region. Each adjusted threshold takes effect on the following  
28           January 1, with the initial adjusted threshold to take effect on  
29           January 1, 2024.

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30           Section 2. Section 448.01, Florida Statutes, is repealed.

31           Section 3. Paragraph (d) of subsection (2) of section  
32 448.24, Florida Statutes, is amended to read:

33           448.24 Duties and rights.—

34           (2) A labor pool shall:

35           (d) Compensate day laborers at or above the minimum wage~~7~~  
36 ~~in conformance with s. 448.01.~~ Deductions, other than those  
37 authorized by federal or state law, may not bring the worker's  
38 pay below minimum wage for the hours worked.

39           Section 4. This act shall take effect July 1, 2020.