

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1112

INTRODUCER: Senator Garcia

SUBJECT: Labor Pool Act

DATE: January 27, 2026

REVISED: \_\_\_\_\_

| ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION           |
|----------|----------------|-----------|------------------|
| 1. Dike  | McKay          | CM        | <b>Favorable</b> |
| 2. _____ | _____          | ATD       | _____            |
| 3. _____ | _____          | FP        | _____            |

## **I. Summary:**

SB 1112 alters the Florida Labor Pool Act by:

- Prohibiting labor pools from charging third-party users a placement fee if a third-party user directly employs a laborer for work;
- Requiring labor pools in the state to register annually with the Department of Commerce (department); and
- Allowing courts to award attorney fees and costs to the prevailing party for legal proceedings brought under the Labor Pool Act.

The bill takes effect July 1, 2026.

## **II. Present Situation:**

### **Labor Pool Act**

Florida's Labor Pool Act (the act), ss. 448.20-448.26, F.S., provides for the health, safety, and well-being of day laborers throughout the state and outlines uniform standards of conduct and practice for labor pools. Under the act, a labor pool is defined as "business entity<sup>1</sup> that operates a labor hall<sup>2</sup> by one or more of the following methods:

- Contracting with third-party users<sup>3</sup> to supply day laborers<sup>4</sup> to them on a temporary basis.

<sup>1</sup> "Business entity" means any individual, corporation, business partnership, firm, institution, or association. Section 448.22(4), F.S.

<sup>2</sup> "Labor hall" means a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user. Section 448.22(3), F.S.

<sup>3</sup> "Third-party user" means a business entity that uses the services of a day laborer provided by a labor pool. Section 448.22(5), F.S.

<sup>4</sup> "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. Section 448.22(2), F.S.

- Hiring, employing, recruiting, or contracting with workers to fulfill these temporary labor contracts for day labor.
- Fulfilling any contracts for day labor in accordance with this subsection, even if the entity also conducts other business.<sup>5</sup>

### ***Exceptions***

The act does not apply to the following types of businesses:

- Business entities duly registered as farm labor contractors pursuant to part III of ch. 450, F.S.;
- Employee leasing companies,<sup>6</sup> as defined in s. 468.520, F.S.;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.<sup>7</sup>

### ***Prohibitions***

The act prohibits labor pools from:<sup>8</sup>

- Charging a day laborer:
  - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
  - More than a reasonable amount to transport a worker to or from the designated worksite; or
  - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.<sup>9</sup>
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.<sup>10</sup>

### ***Requirements***

The act requires labor pools to:

- Provide the following facilities for a worker waiting at a labor hall for a job assignment:<sup>11</sup>
  - Restroom facilities;
  - Drinking water; and
  - Sufficient seating.

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<sup>5</sup> Section 448.22(1), F.S.

<sup>6</sup> "Employee Leasing Company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

<sup>7</sup> Section 448.23, F.S.

<sup>8</sup> Section 448.24(1), F.S.

<sup>9</sup> Section 448.24(4), F.S.

<sup>10</sup> Section 448.24(6), F.S.

<sup>11</sup> Section 448.24(5), F.S.

- Select one of the following methods to pay a day laborer for work performed:<sup>12</sup>
  - Cash;
  - Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
  - Payroll debit card; or
  - Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.<sup>13</sup>
- If selecting to pay a day laborer by payroll debit card:<sup>14</sup>
  - Offer the day laborer the option to elect payment by electronic fund transfer; and
  - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.<sup>15</sup>
- Comply with the Workers' Compensation Law in ch. 440, F.S.<sup>16</sup>
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.<sup>17</sup>
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.<sup>18</sup>

### **Remedies**

Under the act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or \$1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.<sup>19</sup>

### **Registration of Businesses**

Business entities that seek to operate and transact business in Florida must first register with the Department of State (DOS). Such entities may register as a Limited Liability Company,<sup>20</sup> a corporation,<sup>21</sup> or a Limited Partnership.<sup>22</sup> Typically, this registration includes the name of the business, the street and mailing address of the designated/principal office and registered agent,

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<sup>12</sup> Section 448.24(2), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* As of September 2025, the Florida minimum wage is \$14.00 per hour. U.S. DEPT. OF LABOR, *State Minimum Wage Laws*, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Jan. 27, 2026).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Section 448.25, F.S.

<sup>20</sup> See s. 605.0201, F.S.

<sup>21</sup> See s. 607.0202, F.S.

<sup>22</sup> See s. 620.1201, F.S.

and information about the partners/incorporators/managers/members.<sup>23</sup> As labor pools are business entities, they must comply with relevant statutory requirements for registration and annual filing with DOS. If a business fails to register with DOS, either the Department of Legal Affairs or the Attorney General, depending on the type of business entity, may bring legal action to prevent the company from transacting business in Florida.<sup>24</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 448.24, F.S., to prohibit labor pools from charging a placement fee when a third-party user directly hires a laborer for work.

The bill adds subsection (8) to require labor pools located, operating, or transacting business in Florida to register annually with the department. The bill gives the department rulemaking authority to implement this subsection.

Last, the bill allows courts to award attorney fees and costs to the winning party of a legal proceeding brought for a violation of the act.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>23</sup> See ss. 605.0201, 607.0202, 620.1201, F.S.

<sup>24</sup> See ss. 605.0913, 607.1523, 620.1908, F.S.

**B. Private Sector Impact:**

Indeterminate. If more third-party users directly hire workers, then labor pools may see reduced funds due to fewer placement fees.

**C. Government Sector Impact:**

Indeterminate. The department may have increased expenditures to register labor pools.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 448.24, 448.25.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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