HB 295 2015

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; providing for applicability; providing that commuting 7 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 working after the employee's shift under certain 11 12 circumstances; prohibiting an employer from paying an employee for less than the amount of contracted hours 13 14 worked by the employee; providing penalties; providing

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

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

that the act does not affect an employer's liability

under the Workers' Compensation Law; providing an

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

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448.01 Legal day's work; overtime; commuting extra pay.-

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(1) Eight <del>Ten</del> hours of labor shall be a legal day's work.

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effective date.

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(2) Any work in excess of 8 hours in any 1 workday, any work in excess of 40 hours in any 1 workweek, and the first 8 hours worked on the 7th day of any 1 workweek shall be compensated at the rate of at least one and one-half times the employee's base rate of pay. Any work in excess of 12 hours in any 1 workday, or any work in excess of 8 hours on the 7th day of any 1 workweek, shall be compensated at the rate of at least twice the employee's base rate of pay. This section does not require an employer to combine more than one rate of overtime compensation in order to calculate the amount to be paid to an employee for any hour of overtime work. This subsection does not apply to the payment of overtime compensation to an employee working pursuant to any of the following:

- (a) An alternative workweek schedule adopted pursuant to a collective bargaining agreement.
- (b) An alternative workweek schedule to which this chapter does not apply.
- (3) Time spent commuting to and from the first place where the employer requires an employee's presence is not a part of a workday when the employee commutes in a vehicle that is owned, leased, or subsidized by the employer and is used for the purpose of ridesharing.
  - (4) An employer who requires an employee to:
- (a) Document the conclusion of the employee's shift, by punching a time clock or other similar method, and subsequently requires the employee to continue working without punching the

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time clock to signify the beginning of a new shift; or

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

- commits a misdemeanor of the first degree, punishable as
  provided in s. 775.082 or s. 775.083.
- employer's liability under the Workers' Compensation Law, and when any person employed to perform manual labor of any kind by the day, week, month or year renders 10 hours of labor, he or she shall be considered to have performed a legal day's work, unless a written contract has been signed by the person so employed and the employer, requiring a less or greater number of hours of labor to be performed daily.
- (2) Unless such written contract has been made, the person employed shall be entitled to extra pay for all work performed by the requirement of his or her employer in excess of 10 hours' labor daily.
- 72 Section 3. This act shall take effect July 1, 2015.