A bill to be entitled
An act relating to the Department of Labor; creating
s. 20.71, F.S.; creating the Department of Labor as a
new department of state government; providing for the
secretary of the department to be appointed by the
Governor and confirmed by the Senate; authorizing the
secretary to establish divisions and regional offices
of the department; providing the purpose of the
department; authorizing the department to adopt rules;
amending s. 448.109, F.S.; revising requirements for
notifying employees of certain rights; conforming
provisions to changes made by the act; amending s.
448.110, F.S.; designating the Department of Labor as
the state Agency for Workforce Innovation for purposes
of implementing s. 24, Art. X of the State
Constitution; providing definitions; revising the
protected rights of an employee; creating a rebuttable
presumption and burden of proof for an employer;
prohibiting a person or entity from entering into
certain contracts; revising the process for filing a
complaint or civil action for a violation of protected
rights; authorizing and providing the department
certain powers to conduct investigations, issue
citations, enforce and collect judgments by certain
means, and partner with other entities for enforcement
and education outreach; providing for appropriate relief, including injunctive relief, under certain circumstances; providing a process for review of a citation, levy, or stop-order issued by the department; providing penalties; tolling the statute of limitations during an investigation; providing liability; requiring certain records be maintained for a specified length of time; requiring the department to establish an outreach and education partnership program subject to an appropriation by the Legislature; providing duties of such program; creating s. 448.111, F.S.; creating the Department of Labor Community Advisory Board within the Department of Labor; providing for membership, meetings, and duties of the advisory board; requiring an annual report to the Secretary of Labor, the Governor, and the Legislature by a specified date; providing an effective date.

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

Section 1. Section 20.71, Florida Statutes, is created to read:

20.71 Department of Labor; creation; powers and duties.—
(1) There is created the Department of Labor.
(2) The head of the department is the Secretary of Labor, who shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of and report to the Governor.

(3) The secretary may create divisions within the department and allocate various functions of the department among such divisions.

(4)(a) The headquarters of the department shall be located in Tallahassee. However, the department may establish regional offices throughout the state as the secretary deems necessary for the efficient operation of the department in accomplishing its purpose.

(b) The purpose of the department is to enforce s. 24, Art. X of the State Constitution, s. 448.110, and any other law that the department has enforcement authority over as designated by the Legislature.

(5) The department may adopt rules as necessary to carry out the functions and purposes of the department.

Section 2. Paragraph (a) of subsection (3) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

(3)(a) Each year the Department of Labor Department of Economic Opportunity shall, on or before December 1, create and make available to employers a poster in English, and in Spanish, and any other languages, as necessary, which gives notice of all
of the following:

1. The right to the minimum wage as provided by s. 24, Art. X of the State Constitution and s. 448.110.

2. The right to be protected from retaliation for exercising in good faith any right protected under s. 24, Art. X of the State Constitution and s. 448.110.

3. The right to file a complaint with the Department of Labor or bring a civil action for a violation of s. 24, Art. X of the State Constitution or s. 448.110. which reads

substantially as follows:

NOTICE TO EMPLOYEES
The Florida minimum wage is $ ...(amount)... per hour, with a minimum wage of at least $ ...(amount)... per hour for tipped employees, in addition to tips, for January 1, ...(year).... through December 31, ...(year)....
The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.
An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney’s fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of $1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details see Section 24, Article X of the State Constitution.

Section 3. Section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(1) This section may be cited as the "Florida Minimum Wage Act."

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature under pursuant to s. 24(f), Art. X of the State Constitution.
Constitution. To implement s. 24, Art. X of the State Constitution, the Department of Labor Department of Economic Opportunity is designated as the state Agency for Workforce Innovation.

(3) As used in this section, the term:

(a) "Adverse action" means the discharge, suspension, transfer, or demotion of an employee; the withholding of wage, bonuses, benefits, or workable hours; filing, or threatening to file, a false report with a government agency or engaging in unfair immigration-related practices; or any other adverse action taken against an employee within the terms and conditions of employment by an employer.

(b) "Client employer" means a business entity, regardless of its form, that obtains or is provided employees to perform labor within its usual course of business from a labor contractor. The term does not include:

1. A business entity with a workforce of 25 or fewer employees, including those hired directly by the client employer and those obtained from or provided by a labor contractor.

2. A business entity with a workforce of 5 or fewer employees supplied by a labor contractor to the client employer at any given time.

3. The state or a political subdivision of the state.

(c) "Department" means the Department of Labor as created in s. 20.71.
(d) "Employee" has the same meaning as established under the federal Fair Labor Standards Act and its implementing regulations in effect on July 1, 2022.

(e) "Employer" has the same meaning as established under the federal Fair Labor Standards Act and its implementing regulations in effect on July 1, 2022.

(f) "Judgment debtor" means each person who is liable on a judgment or order to pay a sum of money which remains unsatisfied.

(g) "Labor contractor" means a person or entity that supplies, with or without a contract, a client employer with employees to perform labor within the client employer's usual course of business. The term does not include a bona fide nonprofit, community-based organization that provides services to employees or a labor organization or apprenticeship program operating under a collective bargaining agreement.

(h) "Usual course of business" means the regular and customary work of a business performed within or upon the premises or worksite of the client employer.

(4) Effective May 2, 2005, employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art.
X of the State Constitution and this section. Sections 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

(5)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the Department of Economic Opportunity shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the Department of Economic Opportunity shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The Department of Revenue and the Department of Economic Opportunity shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the Department of Economic Opportunity and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the Department of Economic
Opportunity shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current reemployment assistance database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the reemployment assistance database. The department of Economic Opportunity is not responsible for failure to provide notice due to incorrect or incomplete address information in the database. The department of Economic Opportunity shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(6)(a) It is unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under pursuant to s. 24, Art. X of the State Constitution.

(b) Rights protected under s. 24, Art. X of the State Constitution and this section include, but are not limited to:

1. The right to file a complaint or inform any person of his or her potential rights under pursuant to s. 24, Art. X of the State Constitution or this section and to assist such person him or her in asserting his or her such rights.

2. The right to inform a person’s employer, union or other similar organization, legal counsel, or any other person about
an alleged violation of s. 24, Art. X of the State Constitution
or this section.

3. The right to file a complaint with the department or
file a civil action for an alleged violation of s. 24, Art. X of
the State Constitution or this section.

4. The right to cooperate with any investigation conducted
under this section and to testify in any proceeding or action
brought under this section.

5. The right to refuse to participate in an activity that
violates city, state, or federal law.

6. The right to oppose any policy, practice, or act that
violates s. 24, Art. X of the State Constitution or this
section.

(c) There is a rebuttable presumption that an employer has
violated s. 24, Art. X of the State Constitution or this section
if the employer takes adverse action against an employee within
90 days after the employee exercises a right under paragraph
(b). If an employee is a seasonal worker and his or her work
ended before the end of the 90-day period, the rebuttable
presumption applies if the employer fails to rehire the seasonal
worker in the same position at the next opportunity. The
rebuttable presumption may be overcome by clear and convincing
evidence.

(d) The protections provided under this section apply to
any employee who alleges a violation of s. 24, Art. X of the

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State Constitution or this section in good faith. Any complaint
or other communication by an employee alleging a violation of s.
24, Art. X of the State Constitution or this section triggers
the protections under this section even if the complaint or
communication does not specifically reference this section.

(e) An employee who believes he or she has been
discriminated or retaliated against for exercising a right under
s. 24, Art. X of the State Constitution or this section may file
a complaint with the department or a civil action within 4 years
after the alleged violation or, in the case of a willful
violation, within 5 years after the alleged violation.

(7) An employer has the burden of proving that a person is
an independent contractor and not an employee. A person who
receives remuneration for services provided is considered an
employee unless the employer proves:

(a) The person is free from control or direction by the
employer over the performance of such service.

(b) The service provided by the person is outside the
usual course of business of the employer.

(c) The person is customarily engaged in an independently
established trade, occupation, profession, or business.

(8) A person or entity may not enter into a contract or
agreement with an independent contractor for labor or services
if the person or entity knows or should know that the contract
or agreement does not include funds sufficient to allow the
independent contractor to comply with all applicable local, state, and federal laws or regulations governing the labor or services to be provided.

(9)(a) The department may commence investigations, actions, and proceedings necessary to enforce this section. The department has the sole discretion whether to investigate an employer to determine if a violation of this section has occurred.

(b) In order to encourage a person or organization to report a suspected violation of this section, the department:
   1. Shall keep the name and other identifying information about the reporter confidential to the extent permitted by law. The department may disclose the reporter's name or identification with the written consent of the reporter.
   2. Shall provide a notice form to an employer being investigated, which must be posted in a conspicuous and accessible location at the workplace, notifying the employees that the department is conducting an investigation under this section. The notice form must be in English and any other language that is the primary language of a majority of the employees in the workplace. If displaying the notice form is not feasible, the employer must provide the notice form to each employee through electronic means and also provide each employee a physical copy of the notice form.
   3. May certify the eligibility of a person for a visa
under 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U), subject to applicable federal law and regulations, and other rules issued by the department.

(10)(a) During an investigation under this section, the department has the power to:

1. Enter and inspect the workplace.

2. Inspect and make copies of papers, books, accounts, records, payroll, and other documents necessary to further its investigation.

3. Question witnesses under oath and in a private location.

4. Issue subpoenas to compel the attendance and testimony of witnesses and the production of papers, books, accounts, records, payroll, and other documents necessary to further its investigation.

5. Take depositions and affidavits.

6. Investigate any facts, conditions, practices, or matters as the department deems appropriate to determine whether a violation of this section has occurred.

(b) If an employer fails to comply with a lawfully issued subpoena or if a witness refuses to testify or be questioned, the department may request that the court compel compliance by initiating a proceeding for contempt. The court shall take judicial notice under s. 90.202(13) of the department's seal, "Department of Labor-State of Florida," and shall enforce any
subpoena issued by the Secretary of Labor or his or her representative under such seal.

(c) During an administrative or civil proceeding under this section, an employer may not introduce any documentation as evidence that was not provided to the department.

(11)(a) During the course of an investigation under this section, the department or the Attorney General may seek injunctive relief upon a finding of reasonable cause that a violation has occurred.

(b) When determining whether injunctive relief is appropriate, the court shall consider any direct harm to an employee from a violation of this section and the chilling effect on other employees attempting to assert their rights under this section. Reasonable cause exists for a court to issue an injunction if an employee has faced adverse action for asserting his or her rights under this section.

(c) A temporary injunction remains in effect until the department issues a citation to the employer or until the completion of an administrative hearing, whichever is longer, or until a time certain set by the court. A temporary injunction does not prohibit an employer from taking adverse action against an employee for conduct unrelated to an alleged violation of this section.

(d) The court may issue a preliminary or permanent injunction if it determines such injunction is just and proper.
(12)(a) If a violation of this section is found during an investigation and the violation has not been remedied by the end of the investigation, the department shall issue a citation to the employer. The citation must be in writing and describe the nature of the violation and include any and all appropriate relief. Appropriate relief includes requiring an employer to cease and desist; to take any action necessary to remedy the violation, such as rehiring or reinstating an employee, reimbursing lost wages, or paying liquidated damages or other fines and penalties; to take training classes relating to compliance with this section; or to submit to compliance monitoring by the department. The department shall serve the citation in a manner provided by the Florida Rules of Civil Procedure. The citation must advise the employer of his or her right to an administrative hearing to have the citation reviewed.

(b) Within 30 days after service of a citation, an employer must comply with all appropriate relief specified in the citation or may obtain review of the citation by providing a written request for review to the office of the Secretary of Labor. Upon receipt of a written request for review, the Secretary of Labor shall assign the citation to an administrative law judge to conduct a hearing and issue a written decision. Hearings conducted under this subsection are governed by the department and the rules of practice and
procedure adopted by the department.

(c) An administrative hearing must commence within 90 days after receipt of a timely submitted request for review. The administrative law judge must render a written decision within 90 days after the conclusion of the hearing. The decision must include a statement of findings, conclusions of law, and a recommended order that specifies all appropriate relief as authorized under paragraph (a), including the amount required for an appeal bond should the employer choose to obtain review of the order issued under paragraph (d). The decision must be served on all parties in a manner provided by the Florida Rules of Civil Procedure. If the recommended order includes a monetary remedy, the amount is due 45 days after the written decision is properly served on the employer.

(d) 1. An employer may obtain review of the written decision and order issued under paragraph (c) by filing a petition for a writ of mandamus to a court having jurisdiction within 45 days after service of the decision. If a petition for a writ of mandamus is not filed within the appropriate time, the recommended order in the written decision becomes final.

2. Before an employer may obtain review of the decision, he or she must post an appeal bond, in the amount specified in the recommended order, issued by a licensed surety or as a cash deposit with the court. The employer shall provide written notice to the department and any other parties of the posting of
3. A court may overturn a decision based on abuse of discretion. An employer establishes an abuse of discretion if he or she alleges that the findings are not supported by the evidence and the court determines that the findings are not supported by substantial evidence when looking at the entire record.

4. If the court issues an order in favor of the aggrieved party or if the appeal is withdrawn or dismissed without entry of judgment, the employer is liable for the relief specified in the written decision from the administrative hearing, unless the parties execute a settlement agreement, in which case the employer is liable for the relief specified in the settlement agreement. If the written decision from the administrative hearing or the settlement agreement provide for monetary relief, and the employer fails to pay the amount owed within 10 days after entry of a judgment, dismissal or withdrawal of the appeal, or the execution of a settlement agreement, a portion of the appeal bond equal to the amount owed, or the entire appeal bond if the amount owed exceeds the amount of the bond, shall be paid to the aggrieved party.

5. If the employer does not request review of the citation under paragraph (b), file a writ of mandamus under subparagraph 1., or post the appeal bond as required in subparagraph 2., and the time to do so has expired, or if the petition for a writ of
mandamus is dismissed or withdrawn without entry of judgment, the clerk of the court shall certify a copy of the citation or written decision and order issued by the department or by the administrative law judge, respectively, and enter judgment for the state or aggrieved party. The judgment has the same force and effect as a judgment entered in a civil action and may be enforced in the same manner as any other judgment of the court. The court must give priority to petitions to enforce a judgment entered under this section.

6. If an employer fails to comply with a citation or final order, whether issued by the department, administrative law judge, or court, and has exhausted all reviews or appeals or the time to file a review or appeal has expired, the department or the Attorney General may commence and prosecute a civil action to recover unpaid wages, including interest, fines, or penalties; equitable relief; or liquidated damages owed to an aggrieved person. The prevailing party is entitled to applicable fines or civil penalties and reasonable attorney fees and costs.

6(a) Any person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer violating this section or a party violating subsection (5). However, prior to bringing any claim for unpaid minimum wages pursuant to this section, the person aggrieved shall notify the employer alleged to have violated this section, in writing, of an intent to initiate such an action. The notice...
must identify the minimum wage to which the person aggrieved claims entitlement, the actual or estimated work dates and hours for which payment is sought, and the total amount of alleged unpaid wages through the date of the notice.

(b) The employer shall have 15 calendar days after receipt of the notice to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved. The statute of limitations for bringing an action pursuant to this section shall be tolled during this 15-day period. If the employer fails to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved, then the person aggrieved may bring a claim for unpaid minimum wages, the terms of which must be consistent with the contents of the notice.

(13)(a) Upon prevailing in an action brought under paragraph (6)(e) pursuant to this section, aggrieved persons shall recover the full amount of any unpaid back wages, plus interest, unlawfully withheld plus up to two times the unpaid wages the same amount as liquidated damages and shall be awarded reasonable attorney's fees and costs.

Additionally, As provided under the federal Fair Labor Standards Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if the employer proves by a preponderance of the evidence that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for
believing that his or her act or omission was not a violation of s. 24, Art. X of the State Constitution, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed an amount equal to the amount of unpaid minimum wages. The court shall not award any economic damages on a claim for unpaid minimum wages not expressly authorized in this section.

2. Upon prevailing in an action brought pursuant to this section, aggrieved persons are shall also be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement in employment and injunctive relief. However, any entitlement to legal or equitable relief in an action brought under s. 24, Art. X of the State Constitution or this section may shall not include punitive damages.

(b) If an employer is found to have willfully violated s. 24, Art. X of the State Constitution or this section, the department, administrative law judge, or court may impose a fine of $1,000 per violation payable to the state.

(c) Any employer or other person found to have hindered, prevented, impeded, or interfered with the department or administrative hearing body in the performance of their duties is subject to a civil penalty of not less than $1,000 and not more than $5,000, which may be assessed by the department, administrative law judge, or court.
(d) If the department, administrative law judge, or court finds that an employer took adverse action or retaliated against an employee in violation of subsection (6):

1. The department, administrative law judge, or court may order reinstatement of the aggrieved party, front pay in lieu of reinstatement, backpay, liquidated damages up to two times the amount of the unpaid wages, and other compensatory damages as appropriate.

2. The department, administrative law judge, or court may impose an administrative penalty not to exceed $5,000 payable to the aggrieved party.

(e) Any civil action brought under s. 24, Art. X of the State Constitution and this section shall be subject to s. 768.79.

(7) The Attorney General may bring a civil action to enforce this section. The Attorney General may seek injunctive relief. In addition to injunctive relief, or in lieu thereof, for any employer or other person found to have willfully violated this section, the Attorney General may seek to impose a fine of $1,000 per violation, payable to the state.

(14) The statute of limitations for an action brought under this section is for the period of time specified in s. 95.11 beginning on the date the alleged violation occurred. The statute of limitations applicable to an action under this section is tolled during the department's
investigation and any administrative enforcement under this section.

(15) Actions brought under this section may be brought as a class action pursuant to Rule 1.220, Florida Rules of Civil Procedure. In any class action brought under this section, the plaintiffs must prove, by a preponderance of the evidence, the individual identity of each class member and the individual damages of each class member.

(16) This section is shall constitute the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution.

(17) The department shall make reasonable efforts to ensure that judgments against an employer are satisfied and may use any remedy that is available to a judgment creditor to collect an unsatisfied judgment. The department may collect wages, damages, and other monetary remedies on behalf of an employee. The department acts as the trustee of any unsatisfied judgment it collects and shall deposit such wages, damages, or other monetary remedy in the appropriate fund as provided by rule. The department shall conduct a diligent search for any employee for whom it collects an unsatisfied judgment.

(18)(a) Beginning on the 20th day after a judgment is entered by the clerk of the court under paragraph (12)(d) or otherwise by a court of competent jurisdiction in favor of the department, the department may issue a notice of levy on all
persons having in their possession or under their control any credits, money, or property belonging to the judgment debtor. If the levy is made on credits, money, or property in the possession or under the control of a bank, savings and loan association, or other financial institution as defined in 42 U.S.C. s. 669a(d)(1), the notice of levy may be mailed or hand-delivered to a centralized location designated by the bank, savings and loan association, or other financial institution.

(b) Any person who receives a notice of levy shall surrender the credits, money, or property to the department or pay to the department the amount of any debt owed within 10 days after service of the levy. Any person who surrenders to the department any credits, money, or property of the judgment debtor is discharged from any obligation or liability to the judgment debtor relating to the amount paid to the department.

(c) Any person who receives a notice of levy from the department and fails or refuses to surrender any credits, money, or property of the judgment debtor is liable to the department for the amount specified in the notice of levy.

(d) Any fees, commissions, expenses, or costs associated with the sale of property levied under this subsection are the obligation of the judgment debtor and may be collected by virtue of the levy or in any other manner as though the fees, commissions, expenses, or costs were part of the judgment.

(e) The department may create a lien on any real or
personal property of an employer found in violation of s. 24, Art. X of the State Constitution or this section. The department shall release the lien upon final satisfaction of any judgment entered in favor of an aggrieved party or the department, or upon adjudication of the claim in favor of the employer. A lien created under this paragraph lasts 10 years after the date it is created unless the lien is satisfied or released. A lien created under this paragraph is in addition to any other rights available to an aggrieved party or the department.

(19)(a) If a citation issued by the department, written decision and order issued by an administrative law judge, or final judgment awarded under this section remains unsatisfied 30 days after all reviews and appeals have been exhausted or the time to request a review or file an appeal has expired, the department may issue a stop-order prohibiting the employer from conducting business in the state using employee labor, including conducting business using the labor of another business, contractor, or subcontractor instead of the labor of an employee, until the judgment is satisfied. The stop-order is effective upon receipt of the order and the employer must pay employees up to 10 days of lost wages due to the stop-order.

(b) An employer may appeal the stop-order by filing, within 20 days after receipt of the stop-order, a written request with the department for an administrative hearing. The hearing must be held within 5 days after receipt of the written
request, at which time the stop-order shall be affirmed or dismissed and the department shall serve a written notice of findings on all parties within 24 hours after the conclusion of the hearing. A party may appeal the written notice of findings to a court of competent jurisdiction within 45 days after the notice is mailed. The department may seek injunctive or other appropriate relief to enforce the stop-order and is entitled to attorney fees and costs if the department prevails.

(c) An employer, owner, director, officer, or managing agent of an employer who fails to comply with a stop-order issued under this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) This subsection does not apply if the stop-order would compromise public safety or the life, health, and care of a vulnerable person.

(20) If a citation issued by the department, written decision and order issued by an administrative law judge, or final judgment awarded under this section remains unsatisfied 30 days after all reviews or appeals have been exhausted or the time to request a review or file an appeal has expired, the department may request that the appropriate state agency, and the state agency is authorized to, deny, suspend, or revoke any license held by the employer until such time as the judgment is satisfied.
(21) Any person acting on behalf of an employer may be held liable as the employer for a violation of s. 24, Art. X of the State Constitution or this section. A client employer is jointly and severally liable with a labor contractor for the payment of unpaid wages, interest, liquidated damages, fines, or penalties awarded under this section.

(22) All employers, client employers, and labor contractors shall create records documenting compliance with s. 24, Art. X of the State Constitution and this section in accordance with department rules. Records must be maintained for a minimum of 5 years after an employee leaves the employment of the employer or client employer, or is no longer working with a labor contractor. An employer, client employer, or labor contractor must allow the department reasonable access to the records when requested. If an employee, or other authorized person or entity, alleges a violation of s. 24, Art. X of the State Constitution or this section and the employer, client employer, or labor contractor has not created and maintained records as required under this subsection, there is a rebuttable presumption that the he or she is in violation of the law. The employer, client employer, or labor contractor can overcome this presumption with clear and convincing evidence.

(23) The department may enter into agreements with local, state, or federal agencies to assist in the administration and enforcement of this section.
(24) Subject to appropriation of funds by the Legislature, the department shall establish and maintain an outreach and education partnership program to promote awareness of, and compliance with, s. 24, Art. X of the State Constitution and this section. The department shall pursue partnerships with community-based organizations and unions through a competitive request for proposals. Duties of the outreach and education partnership program may include:

(a) Disseminating information and conducting outreach and training to educate employees about their rights.

(b) Conducting educational training for employers about their obligations.

(c) Assisting employees with filing a claim for a violation under s. 24, Art. X of the State Constitution or this section.

(d) Assisting the department in conducting investigations under this section, including the collection of evidence and enforcement of a judgment.

(e) Monitoring compliance with s. 24, Art. X of the State Constitution and this section.

(f) Establishing networks for education, communication, and participation in the workplace and community.

(g) Producing and disseminating training materials to employers and employees.

(25)(11) Except for calculating the adjusted state minimum
wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the department of Economic Opportunity in implementing s. 24, Art. X of the State Constitution, pursuant to this section, is shall be limited to that authority expressly granted by the Legislature.

Section 4. Section 448.111, Florida Statutes, is created to read:

448.111 Department of Labor Community Advisory Board.—The Department of Labor Community Advisory Board is established within the Department of Labor.

(1) The advisory board shall consist of the following members who must be approved by the Secretary of Labor:

(a) A representative from the Department of Labor.

(b) A representative from the Department of Economic Opportunity.

(c) A representative from the Department of Education.

(d) A representative from the Florida Chamber of Commerce.

(e) A representative from a small business as defined in s. 288.703.

(f) Four representatives from labor organizations as defined in s. 447.02(1) throughout the state.

(2) Members of the advisory board shall be appointed for 2-year terms, which shall be staggered.

(3) Members of the advisory board shall serve without compensation and are not entitled to receive reimbursement for
per diem or travel expenses.

(4) The advisory board shall meet at least three times a year in order to review reports and projects of the Department of Labor. Meetings of the advisory board must be open to the public and provide the opportunity for public comment.

(5) The advisory board shall submit an annual report to the Secretary of Labor recommending changes to existing state policies and programs to ensure worker safety and equity, with particular emphasis on low-wage workers, migrant workers, and racial equity.

(6) By January 1, 2023, and annually thereafter, the Secretary of Labor shall submit the annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. This act shall take effect July 1, 2022.