

26 education outreach; providing for injunctive relief
 27 under certain circumstances; providing a process for
 28 review of a citation, levy, or stop-order issued by
 29 the department; providing penalties; tolling the
 30 statute of limitations during an investigation;
 31 providing liability; requiring certain records be
 32 maintained for a specified length of time; creating s.
 33 448.111, F.S.; creating the Department of Labor
 34 Community Advisory Board within the Department of
 35 Labor; providing for membership, meetings, and duties
 36 of the advisory board; requiring an annual report to
 37 the Secretary of the Department of Labor, the
 38 Governor, and the Legislature by a specified date;
 39 providing an effective date.

40

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

42

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

45 20.71 Department of Labor; creation; powers and duties.-

46 (1) There is created the Department of Labor.

47 (2) The head of the department is the Secretary of Labor,

48 who shall be appointed by the Governor, subject to confirmation

49 by the Senate. The secretary shall serve at the pleasure of and

50 report to the Governor.

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

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

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

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

65 Section 2. Paragraph (a) of subsection (3) of section
 66 448.109, Florida Statutes, is amended to read:

67 448.109 Notification of the state minimum wage.—

68 (3)(a) Each year the Department of Labor ~~Department of~~
 69 ~~Economic Opportunity~~ shall, on or before December 1, create and
 70 make available to employers a poster in English, ~~and in~~ Spanish,
 71 and any other languages, as necessary. The poster must give
 72 notice of all of the following:

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

75 2. The right to be protected from retaliation for

76 exercising in good faith any right protected under s. 24, Art. X
 77 of the State Constitution and s. 448.110.

78 3. The right to file a complaint with the Department of
 79 Labor or bring a civil action in a court of competent
 80 jurisdiction for a violation of s. 24, Art. X of the State
 81 Constitution or s. 448.110. which reads substantially as
 82 follows:

83 ~~NOTICE TO EMPLOYEES~~

84 ~~The Florida minimum wage is \$... (amount) ... per hour, with a~~
 85 ~~minimum wage of at least \$... (amount) ... per hour for tipped~~
 86 ~~employees, in addition to tips, for January 1, ... (year) ...,~~
 87 ~~through December 31, ... (year)~~

88 ~~The rate of the minimum wage is recalculated yearly on September~~
 89 ~~30, based on the Consumer Price Index. Every year on January 1~~
 90 ~~the new Florida minimum wage takes effect.~~

91 ~~An employer may not retaliate against an employee for exercising~~
 92 ~~his or her right to receive the minimum wage. Rights protected~~
 93 ~~by the State Constitution include the right to:~~

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

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

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

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

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

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

115 448.110 State minimum wage; annual wage adjustment;
 116 enforcement.—

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

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

126 Innovation.

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

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

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

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

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

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

146 (c) "Department" means the Department of Labor.

147 (d) "Employee" has the same meaning as established under
 148 the federal Fair Labor Standards Act and its implementing
 149 regulations in effect on July 1, 2023.

150 (e) "Employer" has the same meaning as established under

151 the federal Fair Labor Standards Act and its implementing
152 regulations in effect on July 1, 2023.

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

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

163 (h) "Secretary" means the secretary of the department.

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

167 (4)(3) Effective May 2, 2005, employers shall pay
168 employees a minimum wage at an hourly rate of \$6.15 for all
169 hours worked in Florida. Only those individuals entitled to
170 receive the federal minimum wage under the federal Fair Labor
171 Standards Act and its implementing regulations shall be eligible
172 to receive the state minimum wage under ~~pursuant to~~ s. 24, Art.
173 X of the State Constitution and this section. Sections 213 and
174 214 ~~The provisions of ss. 213 and 214~~ of the federal Fair Labor
175 Standards Act, as interpreted by applicable federal regulations

176 and implemented by the Secretary of Labor, are incorporated
177 herein.

178 (5) (a) (4) (a) Beginning September 30, 2005, and annually on
179 September 30 thereafter, the department ~~of Economic Opportunity~~
180 shall calculate an adjusted state minimum wage rate by
181 increasing the state minimum wage by the rate of inflation for
182 the 12 months prior to September 1. In calculating the adjusted
183 state minimum wage, the department ~~of Economic Opportunity~~ shall
184 use the Consumer Price Index for Urban Wage Earners and Clerical
185 Workers, not seasonally adjusted, for the South Region or a
186 successor index as calculated by the United States Department of
187 Labor. Each adjusted state minimum wage rate shall take effect
188 on the following January 1, with the initial adjusted minimum
189 wage rate to take effect on January 1, 2006.

190 (b) The Department of Revenue and the department ~~of~~
191 ~~Economic Opportunity~~ shall annually publish the amount of the
192 adjusted state minimum wage and the effective date. Publication
193 shall occur by posting the adjusted state minimum wage rate and
194 the effective date on the Internet home pages of the department
195 ~~of Economic Opportunity~~ and the Department of Revenue by October
196 15 of each year. In addition, to the extent funded in the
197 General Appropriations Act, the department ~~of Economic~~
198 ~~Opportunity~~ shall provide written notice of the adjusted rate
199 and the effective date of the adjusted state minimum wage to all
200 employers registered in the most current reemployment assistance

201 database. Such notice shall be mailed by November 15 of each
 202 year using the addresses included in the database. Employers are
 203 responsible for maintaining current address information in the
 204 reemployment assistance database. The department ~~of Economic~~
 205 ~~Opportunity~~ is not responsible for failure to provide notice due
 206 to incorrect or incomplete address information in the database.
 207 The department ~~of Economic Opportunity~~ shall provide the
 208 Department of Revenue with the adjusted state minimum wage rate
 209 information and effective date in a timely manner.

210 (6) (a)-(5) It is ~~shall be~~ unlawful for an employer or any
 211 other party to discriminate in any manner or take adverse action
 212 against any person in retaliation for exercising rights
 213 protected under ~~pursuant to~~ s. 24, Art. X of the State
 214 Constitution or this section.

215 (b) Rights protected under s. 24, Art. X of the State
 216 Constitution and this section include, but are not limited to:
 217

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

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

225 3. The right to file a complaint with the department or

226 file a civil action in a court of competent jurisdiction for an
227 alleged violation of s. 24, Art. X of the State Constitution or
228 this section.

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

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

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

237 (c) There is a rebuttable presumption that an employer has
238 violated s. 24, Art. X of the State Constitution or this section
239 if the employer takes adverse action against an employee within
240 90 days after the employee exercises a right under paragraph
241 (b). If an employee is a seasonal worker and his or her work
242 ended before the end of the 90-day period, the rebuttable
243 presumption applies if the employer fails to rehire the seasonal
244 worker in the same position at the next opportunity. The
245 rebuttable presumption may be overcome by clear and convincing
246 evidence.

247 (d) The protections provided under this section apply to
248 any employee who alleges a violation of s. 24, Art. X of the
249 State Constitution or this section in good faith. Any complaint
250 or other communication by an employee alleging a violation of s.

251 24, Art. X of the State Constitution or this section triggers
252 the protections under this section even if the complaint or
253 communication does not specifically reference this section.

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

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

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

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

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

271 (8) A person or entity may not enter into a contract or
272 agreement with an independent contractor for labor or services
273 if the person or entity knows or should know that the contract
274 or agreement does not include funds sufficient to allow the
275 independent contractor to comply with all applicable local,

276 state, and federal laws or regulations governing the labor or
277 services to be provided.

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

283 (b) In order to encourage a person or organization to
284 report a suspected violation of this section, the department:

285 1. Must keep the name and other identifying information
286 about the reporter confidential to the extent permitted by law.

287 The department may disclose the reporter's name or
288 identification with the written consent of the reporter.

289 2. Must provide a notice form to an employer being
290 investigated, which must be posted in a conspicuous and
291 accessible location at the workplace, notifying the employees
292 that the department is conducting an investigation under this
293 section. The notice form must be in English and any other
294 language that is the primary language of a majority of the
295 employees in the workplace. If display of the notice form is not
296 feasible, the employer must provide it to each employee through
297 electronic means and also provide each employee a physical copy
298 of the notice form.

299 3. May certify the eligibility of a person for a visa
300 under 8 U.S.C. s. 1184 (p) and 8 U.S.C. s. 1101 (a) (15) (U),

301 subject to applicable federal law and regulations, and other
302 rules issued by the department.

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

305 1. Enter and inspect the workplace.

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

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

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

315 5. Take depositions and affidavits.

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

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

326 | under such seal.

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

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

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

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

348 | (d) The court may issue a preliminary or permanent
349 | injunction if it determines such injunction is just and proper.

350 | (12) (a) If a violation of this section is found during an

351 investigation and the violation has not been remedied by the end
352 of the investigation, the department must issue a citation to
353 the employer. The citation must be in writing and describe the
354 nature of the violation and include any and all appropriate
355 relief. Appropriate relief includes requiring an employer to
356 cease and desist; to take any action necessary to remedy the
357 violation, such as rehiring or reinstating an employee,
358 reimbursing lost wages, or paying liquidated damages or other
359 finances and penalties; to take training classes relating to
360 compliance with this section; or to submit to compliance
361 monitoring by the department. The department shall serve the
362 citation in a manner provided by the Florida Rules of Civil
363 Procedure. The citation must advise the employer of his or her
364 right to an administrative hearing to have the citation
365 reviewed.

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

375 (c) An administrative hearing must commence within 90 days

376 after receipt of a timely submitted request for review. The
377 administrative law judge must render a written decision within
378 90 days after the conclusion of the hearing. The decision must
379 include a statement of findings, conclusions of law, and a
380 recommended order that specifies all appropriate relief as
381 authorized under paragraph (a), including the amount required
382 for an appeal bond should the employer choose to obtain review
383 of the order issued under this paragraph. The decision must be
384 served on all parties in a manner provided by the Florida Rules
385 of Civil Procedure. If the recommended order includes a monetary
386 remedy, the amount is due 45 days after the written decision is
387 properly served on the employer.

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

395 2. Before an employer may obtain review of the decision,
396 he or she must post an appeal bond, in the amount specified in
397 the recommended order, issued by a licensed surety or as a cash
398 deposit with the court. The employer shall provide written
399 notice to the department and any other parties of the posting of
400 the appeal bond.

401 3. A court may overturn a decision based on abuse of
402 discretion. An employer establishes an abuse of discretion if he
403 or she alleges that the findings are not supported by the
404 evidence and the court determines that the findings are not
405 supported by substantial evidence when looking at the entire
406 record.

407 4. If the court issues an order in favor of the aggrieved
408 party or if the appeal is withdrawn or dismissed without entry
409 of judgment, the employer is liable for the relief specified in
410 the written decision from the administrative hearing, unless the
411 parties execute a settlement agreement, in which case the
412 employer is liable for the relief specified in the settlement
413 agreement. If the written decision from the administrative
414 hearing or the settlement agreement provide for monetary relief,
415 and the employer fails to pay the amount owed within 10 days
416 after entry of a judgment, dismissal or withdrawal of the
417 appeal, or the execution of a settlement agreement, a portion of
418 the appeal bond equal to the amount owed, or the entire appeal
419 bond if the amount owed exceeds the amount of the bond, must be
420 paid to the aggrieved party.

421 5. If the employer does not request review of the citation
422 under paragraph (b), file a writ of mandamus under subparagraph
423 1., or post the appeal bond as required in subparagraph 2., and
424 the time to do so has expired, or if the petition for a writ of
425 mandamus is dismissed or withdrawn without entry of judgment,

426 the clerk of the court must certify a copy of the citation or
427 written decision and order issued by the department or by the
428 administrative law judge, respectively, and enter judgment for
429 the state or aggrieved party. The judgment has the same force
430 and effect as a judgment entered in a civil action and may be
431 enforced in the same manner as any other judgment of the court.
432 The court shall give priority to petitions to enforce a judgment
433 entered under this section.

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

443 ~~(6)(a) Any person aggrieved by a violation of this section~~
444 ~~may bring a civil action in a court of competent jurisdiction~~
445 ~~against an employer violating this section or a party violating~~
446 ~~subsection (5). However, prior to bringing any claim for unpaid~~
447 ~~minimum wages pursuant to this section, the person aggrieved~~
448 ~~shall notify the employer alleged to have violated this section,~~
449 ~~in writing, of an intent to initiate such an action. The notice~~
450 ~~must identify the minimum wage to which the person aggrieved~~

451 ~~claims entitlement, the actual or estimated work dates and hours~~
452 ~~for which payment is sought, and the total amount of alleged~~
453 ~~unpaid wages through the date of the notice.~~

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

464 ~~(13) (a) (e) 1.~~ Upon prevailing in a civil ~~an~~ action brought
465 under paragraph (6) (e) pursuant to this section, aggrieved
466 persons shall recover the full amount of any unpaid back wages, plus interest,
467 unlawfully withheld plus up to two times the
468 unpaid wages ~~the same amount~~ as liquidated damages and shall be
469 awarded reasonable attorney ~~attorney's~~ fees and costs.
470 Additionally, ~~As provided under the federal Fair Labor Standards~~
471 ~~Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29~~
472 ~~U.S.C. s. 260, if the employer proves by a preponderance of the~~
473 ~~evidence that the act or omission giving rise to such action was~~
474 ~~in good faith and that the employer had reasonable grounds for~~
475 ~~believing that his or her act or omission was not a violation of~~

476 ~~s. 24, Art. X of the State Constitution, the court may, in its~~
477 ~~sound discretion, award no liquidated damages or award any~~
478 ~~amount thereof not to exceed an amount equal to the amount of~~
479 ~~unpaid minimum wages. The court shall not award any economic~~
480 ~~damages on a claim for unpaid minimum wages not expressly~~
481 ~~authorized in this section.~~

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

490 (b) If an employer is found to have willfully violated
491 this section, the department, administrative law judge, or court
492 may impose a fine of \$1,000 per violation payable to the state.

493 (c) Any employer or other person found to have hindered,
494 prevented, impeded, or interfered with the department or
495 administrative hearing body in the performance of their duties
496 is subject to a civil penalty of not less than \$1,000 and not
497 more than \$5,000, which may be assessed by the department,
498 administrative law judge, or court.

499 (d) If the department, administrative law judge, or court
500 finds that an employer took adverse action or retaliated against

501 an employee in violation of subsection (6):

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

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

510 (e)(d) Any civil action brought under s. 24, Art. X of the
 511 State Constitution and this section is ~~shall be~~ subject to s.
 512 768.79.

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

519 (14)(8) The statute of limitations for an action brought
 520 under pursuant to this section is ~~shall be~~ for the period of
 521 time specified in s. 95.11 beginning on the date the alleged
 522 violation occurred. The statute of limitations applicable to an
 523 action under this section is tolled during the department's
 524 investigation and any administrative enforcement under this
 525 section.

526 ~~(15)(9)~~ Actions brought under ~~pursuant to~~ this section may
 527 be brought as a class action pursuant to Rule 1.220, Florida
 528 Rules of Civil Procedure. In any class action brought under
 529 ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove, by a
 530 preponderance of the evidence, the individual identity of each
 531 class member and the individual damages of each class member.

532 ~~(16)(10)~~ This section is ~~shall constitute~~ the exclusive
 533 remedy under state law for violations of s. 24, Art. X of the
 534 State Constitution.

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

545 (18) (a) Beginning on the 20th day after a judgment is
 546 entered by the clerk of the court under paragraph (12)(d) or
 547 otherwise by a court of competent jurisdiction in favor of the
 548 state or aggrieved party, the department may issue a notice of
 549 levy on all persons having in their possession or under their
 550 control any credits, money, or property belonging to the

551 judgment debtor. If the levy is made on credits, money, or
552 property in the possession or under the control of a bank,
553 savings and loan association, or other financial institution as
554 defined in 42 U.S.C. s. 669a(d)(1), the notice of levy may be
555 mailed or hand-delivered to a centralized location designated by
556 the bank, savings and loan association, or other financial
557 institution.

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

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

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

574 (e) The department may create a lien on any real or
575 personal property of an employer found in violation of s. 24,

576 Art. X of the State Constitution or this section. The department
577 must release the lien upon final satisfaction of any judgment
578 entered in favor of an aggrieved party or the department, or
579 upon adjudication of the claim in favor of the employer. A lien
580 created under this paragraph lasts 10 years after the date it is
581 created unless the lien is satisfied or released. A lien created
582 under this paragraph is in addition to any other rights
583 available to an aggrieved party or the department.

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

596 (b) An employer may appeal the stop-order by filing,
597 within 20 days after receipt of the stop-order, a written
598 request with the department for an administrative hearing. The
599 hearing must be held within 5 days after receipt of the written
600 request, at which time the stop-order must be affirmed or

601 dismissed and the department shall mail a written notice of
602 findings by United States mail to all parties within 24 hours
603 after the conclusion of the hearing. A party may appeal the
604 written notice of findings to a court of competent jurisdiction
605 within 45 days after the notice is mailed. The department may
606 seek injunctive or other appropriate relief to enforce the stop-
607 order and is entitled to attorney fees and costs if the
608 department prevails.

609 (c) An employer, owner, director, officer, or managing
610 agent of an employer who fails to comply with a stop-order
611 issued under this subsection is guilty of a misdemeanor of the
612 second degree, punishable as provided in s. 775.082 or s.
613 775.083.

614 (d) This subsection does not apply if the stop-order would
615 compromise public safety or the life, health, and care of a
616 vulnerable person as defined in s. 435.02.

617 (20) If a citation issued by the department, written
618 decision and order issued by an administrative law judge, or
619 final judgment awarded under this section remains unsatisfied 30
620 days after all reviews or appeals have been exhausted or the
621 time to request a review or file an appeal has expired, the
622 department may request that the appropriate state agency, and
623 the state agency is authorized to, deny, suspend, or revoke any
624 license held by the employer until such time as the judgment is
625 satisfied.

626 (21) Any person acting on behalf of an employer may be
627 held liable as the employer for a violation of s. 24, Art. X of
628 the State Constitution or this section. A client employer is
629 jointly and severally liable with a labor contractor for the
630 payment of unpaid wages, interest, liquidated damages, fines, or
631 penalties awarded under this section.

632 (22) All employers, client employers, and labor
633 contractors shall create records documenting compliance with s.
634 24, Art. X of the State Constitution and this section in
635 accordance with department rules. Records must be maintained for
636 a minimum of 5 years after an employee leaves the employment of
637 the employer or client employer, or is no longer working with a
638 labor contractor. An employer, client employer, or labor
639 contractor must allow the department reasonable access to the
640 records when requested. If an employee, or other authorized
641 person or entity, alleges a violation of s. 24, Art. X of the
642 State Constitution or this section and the employer, client
643 employer, or labor contractor has not created and maintained
644 records as required under this subsection, there is a rebuttable
645 presumption that the employer, client employer, or labor
646 contractor is in violation of the law. The employer, client
647 employer, or labor contractor can overcome this presumption with
648 clear and convincing evidence.

649 (23) The department may enter into agreements with local,
650 state, or federal agencies to assist in the administration and

651 enforcement of this section.

652 (24) Subject to appropriation of funds by the Legislature,
653 the department shall establish and maintain an outreach and
654 education partnership program to promote awareness of, and
655 compliance with, s. 24, Art. X of the State Constitution and
656 this section. The department shall pursue partnerships with
657 community-based organizations and unions through a competitive
658 request for proposals. Duties of the outreach and education
659 partnership program may include:

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

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

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

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

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

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

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

676 ~~(25)-(11)~~ Except for calculating the adjusted state minimum
677 wage and publishing the initial state minimum wage and any
678 annual adjustments thereto, the authority of the department of
679 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State
680 Constitution, pursuant to this section, is ~~shall be~~ limited to
681 that authority expressly granted by the Legislature.

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

684 448.111 Department of Labor Community Advisory Board.—The
685 Department of Labor Community Advisory Board is established
686 within the Department of Labor.

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

690 (a) A representative from the Department of Labor.

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

693 (c) A representative from the Department of Education.

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

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

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

699 (2) Members of the advisory board shall be appointed for
700 2-year terms, which shall be staggered.

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

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

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

713 (6) By January 1, 2024, and annually thereafter, the
714 Secretary of the Department of Labor shall submit the annual
715 report to the Governor, the President of the Senate, and the
716 Speaker of the House of Representatives.

717 Section 5. This act shall take effect July 1, 2023.