

By Senator Torres

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1                   A bill to be entitled  
2           An act relating to the Department of Labor; creating  
3           s. 20.71, F.S.; creating the Department of Labor as a  
4           new department of state government; providing for the  
5           secretary of the department to be appointed by the  
6           Governor and confirmed by the Senate; authorizing the  
7           secretary to establish divisions and regional offices  
8           of the department; providing the purpose of the  
9           department; authorizing the department to adopt rules;  
10          amending s. 448.109, F.S.; revising requirements for  
11          notifying employees of certain rights; conforming  
12          provisions to changes made by the act; amending s.  
13          448.110, F.S.; designating the Department of Labor as  
14          the state Agency for Workforce Innovation for purposes  
15          of implementing s. 24, Art. X of the State  
16          Constitution; providing definitions; revising the  
17          protected rights of an employee; creating a rebuttable  
18          presumption and burden of proof for an employer;  
19          revising the process for filing a complaint for a  
20          violation of protected rights; prohibiting a person or  
21          entity from entering into certain contracts;  
22          authorizing and providing the department certain  
23          powers to conduct investigations, issue citations,  
24          enforce and collect judgments by certain means, and  
25          partner with other entities for enforcement and  
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

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30 statute of limitations during an investigation;  
31 providing liability; requiring certain records be  
32 maintained for a specified length of time; creating s.  
33 448.112, 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.

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59 (b) The purpose of the department is to enforce s. 24, Art.  
 60 X of the State Constitution, s. 448.110, and any other law that  
 61 the department has enforcement authority over as designated by  
 62 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, Art.  
 74 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) ... .

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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 noncompliance~~  
95 ~~with lawful minimum wage requirements.~~

96 ~~2. Inform any person about an employer's alleged noncompliance~~  
97 ~~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 to~~  
114 ~~read:~~

115 ~~448.110 State minimum wage; annual wage adjustment;~~  
116 ~~enforcement.-~~

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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.

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

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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

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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



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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

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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 usual  
268 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, actions,  
279 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

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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 under  
300 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U), subject to  
301 applicable federal law and regulations, and other rules issued  
302 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 location.

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

314 5. Take depositions and affidavits.

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

318 (b) If an employer fails to comply with a lawfully issued  
319 subpoena or if a witness refuses to testify or be questioned,

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320 the department may request that the court compel compliance by  
321 initiating a proceeding for contempt. The court shall take  
322 judicial notice under s. 90.202(13) of the department's seal,  
323 "Department of Labor-State of Florida," and shall enforce any  
324 subpoena issued by the secretary or his or her representative  
325 under such seal.

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

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

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

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

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

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

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

374       (c) An administrative hearing must commence within 90 days  
375 after receipt of a timely submitted request for review. The  
376 administrative law judge must render a written decision within  
377 90 days after the conclusion of the hearing. The decision must

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

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

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

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

406 4. If the court issues an order in favor of the aggrieved

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

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

433 6. If an employer fails to comply with a citation or final  
434 order, whether issued by the department, administrative law  
435 judge, or court, and has exhausted all reviews or appeals or the

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436 time to file a review or appeal has expired, the department or  
437 the Attorney General may commence and prosecute a civil action  
438 to recover unpaid wages, including interest, fines, or  
439 penalties; equitable relief; or liquidated damages owed to an  
440 aggrieved person. The prevailing party is entitled to applicable  
441 fines or civil penalties and reasonable attorney fees and costs.

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

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

463 (13) (a)-(e)1. Upon prevailing in a civil ~~an~~ action brought  
464 under paragraph (6) (e) ~~pursuant to this section,~~ aggrieved



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465 persons shall recover the full amount of any unpaid back wages,  
466 plus interest, unlawfully withheld plus up to two times the  
467 unpaid wages ~~the same amount~~ as liquidated damages and shall be  
468 awarded reasonable attorney ~~attorney's~~ fees and costs.  
469 ~~Additionally, As provided under the federal Fair Labor Standards~~  
470 ~~Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29~~  
471 ~~U.S.C. s. 260, if the employer proves by a preponderance of the~~  
472 ~~evidence that the act or omission giving rise to such action was~~  
473 ~~in good faith and that the employer had reasonable grounds for~~  
474 ~~believing that his or her act or omission was not a violation of~~  
475 ~~s. 24, Art. X of the State Constitution, the court may, in its~~  
476 ~~sound discretion, award no liquidated damages or award any~~  
477 ~~amount thereof not to exceed an amount equal to the amount of~~  
478 ~~unpaid minimum wages. The court shall not award any economic~~  
479 ~~damages on a claim for unpaid minimum wages not expressly~~  
480 ~~authorized in this section.~~

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

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

492 (c) Any employer or other person found to have hindered,  
493 prevented, impeded, or interfered with the department or

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494 administrative hearing body in the performance of their duties  
495 is subject to a civil penalty of not less than \$1,000 and not  
496 more than \$5,000, which may be assessed by the department,  
497 administrative law judge, or court.

498 (d) If the department, administrative law judge, or court  
499 finds that an employer took adverse action or retaliated against  
500 an employee in violation of subsection (6):

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

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

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

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

518 ~~(14)~~~~(8)~~ The statute of limitations for an action brought  
519 under ~~pursuant to~~ this section is ~~shall be~~ for the period of  
520 time specified in s. 95.11 beginning on the date the alleged  
521 violation occurred. The statute of limitations applicable to an  
522 action under this section is tolled during the department's

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523 investigation and any administrative enforcement under this  
524 section.

525 (15)~~(9)~~ Actions brought under ~~pursuant to~~ this section may  
526 be brought as a class action pursuant to Rule 1.220, Florida  
527 Rules of Civil Procedure. In any class action brought under  
528 ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove, by a  
529 preponderance of the evidence, the individual identity of each  
530 class member and the individual damages of each class member.

531 (16)~~(10)~~ This section is ~~shall constitute~~ the exclusive  
532 remedy under state law for violations of s. 24, Art. X of the  
533 State Constitution.

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

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

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552 savings and loan association, or other financial institution as  
553 defined in 42 U.S.C. s. 669a(d)(1), the notice of levy may be  
554 mailed or hand-delivered to a centralized location designated by  
555 the bank, savings and loan association, or other financial  
556 institution.

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

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

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

573 (e) The department may create a lien on any real or  
574 personal property of an employer found in violation of s. 24,  
575 Art. X of the State Constitution or this section. The department  
576 must release the lien upon final satisfaction of any judgment  
577 entered in favor of an aggrieved party or the department, or  
578 upon adjudication of the claim in favor of the employer. A lien  
579 created under this paragraph lasts 10 years after the date it is  
580 created unless the lien is satisfied or released. A lien created

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581 under this paragraph is in addition to any other rights  
582 available to an aggrieved party or the department.

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

595 (b) An employer may appeal the stop-order by filing, within  
596 20 days after receipt of the stop-order, a written request with  
597 the department for an administrative hearing. The hearing must  
598 be held within 5 days after receipt of the written request, at  
599 which time the stop-order must be affirmed or dismissed and the  
600 department shall mail a written notice of findings by United  
601 States mail to all parties within 24 hours after the conclusion  
602 of the hearing. A party may appeal the written notice of  
603 findings to a court of competent jurisdiction within 45 days  
604 after the notice is mailed. The department may seek injunctive  
605 or other appropriate relief to enforce the stop-order and is  
606 entitled to attorney fees and costs if the department prevails.

607 (c) An employer, owner, director, officer, or managing  
608 agent of an employer who fails to comply with a stop-order  
609 issued under this subsection is guilty of a misdemeanor of the

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610 second degree, punishable as provided in s. 775.082 or s.  
611 775.083.

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

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

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

630 (22) All employers, client employers, and labor contractors  
631 shall create records documenting compliance with s. 24, Art. X  
632 of the State Constitution and this section in accordance with  
633 department rules. Records must be maintained for a minimum of 5  
634 years after an employee leaves the employment of the employer or  
635 client employer, or is no longer working with a labor  
636 contractor. An employer, client employer, or labor contractor  
637 must allow the department reasonable access to the records when  
638 requested. If an employee, or other authorized person or entity,

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639 alleges a violation of s. 24, Art. X of the State Constitution  
640 or this section and the employer, client employer, or labor  
641 contractor has not created and maintained records as required  
642 under this subsection, there is a rebuttable presumption that  
643 the employer, client employer, or labor contractor is in  
644 violation of the law. The employer, client employer, or labor  
645 contractor can overcome this presumption with clear and  
646 convincing evidence.

647 (23) The department may enter into agreements with local,  
648 state, or federal agencies to assist in the administration and  
649 enforcement of this section.

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

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

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

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

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

667 (e) Monitoring compliance with s. 24, Art. X of the State

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668 Constitution and this section.

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

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

673 (25)~~(11)~~ Except for calculating the adjusted state minimum  
674 wage and publishing the initial state minimum wage and any  
675 annual adjustments thereto, the authority of the department ~~of~~  
676 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State  
677 Constitution, pursuant to this section, is ~~shall be~~ limited to  
678 that authority expressly granted by the Legislature.

679 Section 4. Section 448.112, Florida Statutes, is created to  
680 read:

681 448.112 Department of Labor Community Advisory Board.—The  
682 Department of Labor Community Advisory Board is established  
683 within the Department of Labor.

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

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

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

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

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

692 (e) A representative from a small business as defined in s.  
693 288.703.

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

696 (2) Members of the advisory board shall be appointed for 2-



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697 year terms, which shall be staggered.

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

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

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

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

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