

By Senator Torres

25-00554-24

20241388__

1 A bill to be entitled
2 An act relating to the Division of Labor Standards;
3 amending s. 20.60, F.S.; creating the Division of
4 Labor Standards within the Department of Commerce for
5 specified purposes; specifying that the department is
6 the state's chief agency for employee protection;
7 requiring the department to support and protect the
8 state's workforce in a specified manner; amending s.
9 448.109, F.S.; revising requirements for notifying
10 employees of certain rights; conforming provisions to
11 changes made by the act; amending s. 448.110, F.S.;
12 designating the Division of Labor Standards as the
13 state Agency for Workforce Innovation for purposes of
14 implementing s. 24, Art. X of the State Constitution;
15 providing definitions; revising the protected rights
16 of an employee; creating a rebuttable presumption and
17 burden of proof for an employer; revising the process
18 for filing a complaint for a violation of protected
19 rights; specifying that certain actions are violations
20 of the state minimum wage law; prohibiting a person or
21 entity from entering into certain contracts;
22 authorizing and providing the division certain powers
23 to conduct investigations, issue citations, enforce
24 and collect judgments by certain means, and partner
25 with other entities for enforcement and education
26 outreach; providing for injunctive relief under
27 certain circumstances; providing a process for review
28 of a citation, levy, or stop-order issued by the
29 division; authorizing an aggrieved person to file a

25-00554-24

20241388__

30 civil action; providing penalties; tolling the statute
 31 of limitations during an investigation; providing
 32 liability; requiring certain records be maintained for
 33 a specified length of time; creating s. 448.112, F.S.;
 34 creating the Division of Labor Standards Community
 35 Advisory Board within the Division of Labor Standards;
 36 providing for membership, meetings, and duties of the
 37 advisory board; requiring annual reports to the
 38 director of the Division of Labor Standards, the
 39 Governor, and the Legislature; providing an effective
 40 date.

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

43
 44 Section 1. Paragraph (a) of subsection (3) and subsection
 45 (4) of section 20.60, Florida Statutes, are amended to read:
 46 20.60 Department of Commerce; creation; powers and duties.-

47 (3) (a) The following divisions and offices of the
 48 Department of Commerce are established:

- 49 1. The Division of Economic Development.
- 50 2. The Division of Community Development.
- 51 3. The Division of Workforce Services.
- 52 4. The Division of Finance and Administration.
- 53 5. The Division of Information Technology.
- 54 6. The Office of the Secretary.
- 55 7. The Office of Economic Accountability and Transparency,

56 which shall:

- 57 a. Oversee the department's critical objectives as
- 58 determined by the secretary and make sure that the department's

25-00554-24

20241388__

59 key objectives are clearly communicated to the public.

60 b. Organize department resources, expertise, data, and
61 research to focus on and solve the complex economic challenges
62 facing the state.

63 c. Provide leadership for the department's priority issues
64 that require integration of policy, management, and critical
65 objectives from multiple programs and organizations internal and
66 external to the department; and organize and manage external
67 communication on such priority issues.

68 d. Promote and facilitate key department initiatives to
69 address priority economic issues and explore data and identify
70 opportunities for innovative approaches to address such economic
71 issues.

72 e. Promote strategic planning for the department.

73 8. The Division of Labor Standards, which shall:

74 a. Administer and enforce s. 24, Art. X of the State
75 Constitution, s. 448.110, and any other statutes and laws, or
76 parts thereof, that the division has been granted administrative
77 or enforcement authority over by the Legislature.

78 b. Promote compliance with s. 24, Art. X of the State
79 Constitution, s. 448.110, and any other statutes and laws, or
80 parts thereof, that the division has been granted administrative
81 or enforcement authority over by the Legislature through
82 investigative and enforcement actions, local outreach, technical
83 assistance, and training.

84 c. Investigate and ascertain the wages of persons employed
85 in any occupation or place of employment in the state as the
86 division finds necessary and proper.

87 d. Partner with communities, businesses, and employees in

25-00554-24

20241388__

88 the state for stakeholder input and collaboration.

89 e. Adopt rules as necessary to carry out the functions and
90 purposes of the division.

91 (4) The purpose of the department is to assist the Governor
92 in working with the Legislature, state agencies, business
93 leaders, and economic development professionals to formulate and
94 implement coherent and consistent policies and strategies
95 designed to promote economic opportunities for all Floridians.
96 The department is the state's chief agency for business
97 recruitment and expansion, employee protection, and economic
98 development. To accomplish such purposes, the department shall:

99 (a) Facilitate the direct involvement of the Governor and
100 the Lieutenant Governor in economic development and workforce
101 development projects designed to create, expand, and retain
102 businesses in this state; to recruit business from around the
103 world; to promote the state as a pro-business location for new
104 investment; and to facilitate other job-creating efforts.

105 (b) Recruit new businesses to this state and promote the
106 expansion of existing businesses by expediting permitting and
107 location decisions, worker placement and training, and incentive
108 awards.

109 (c) Promote viable, sustainable communities by providing
110 technical assistance and guidance on growth and development
111 issues, grants, and other assistance to local communities.

112 (d) Ensure that the state's goals and policies relating to
113 economic development, workforce development, community planning
114 and development, and affordable housing are fully integrated
115 with appropriate implementation strategies.

116 (e) Manage the activities of public-private partnerships

25-00554-24

20241388__

117 and state agencies in order to avoid duplication and promote
118 coordinated and consistent implementation of programs in areas
119 including, but not limited to, tourism; international trade and
120 investment; business recruitment, creation, retention, and
121 expansion; minority and small business development; defense,
122 space, and aerospace development; rural community development;
123 and the development and promotion of professional and amateur
124 sporting events.

125 (f) Coordinate with state agencies on the processing of
126 state development approvals or permits to minimize the
127 duplication of information provided by the applicant and the
128 time before approval or disapproval.

129 (g) Contract with the Florida Sports Foundation to guide,
130 stimulate, and promote the sports industry in this state; to
131 promote the participation of residents of this state in amateur
132 athletic competition; and to promote this state as a host for
133 national and international amateur athletic competitions.

134 (h) Encourage and oversee the coordination of international
135 trade development efforts of public institutions, business
136 associations, economic development councils, and private
137 industry.

138 (i) Contract with the direct-support organization created
139 in s. 288.012, to assist with coordination described in
140 paragraph (h); provide services through State of Florida
141 international offices; and assist in developing and carrying out
142 the 5-year statewide strategic plan as it relates to foreign
143 investment, international partnerships, and other international
144 business and trade development.

145 (j) Support Florida's defense, space, and aerospace

25-00554-24

20241388__

146 industries, including research and development, and strengthen
147 this state's existing leadership in defense, space, and
148 aerospace activity and economic growth.

149 (k) Assist, promote, and enhance economic opportunities for
150 this state's minority-owned businesses and rural and urban
151 communities.

152 (l) Contract with the Florida Tourism Industry Marketing
153 Corporation to execute tourism promotion and marketing services,
154 functions, and programs for the state and advise the department
155 on the development of domestic and international tourism
156 marketing campaigns featuring this state.

157 (m) Support and protect Florida's workforce and bolster
158 state revenue by ensuring a fair day's pay for employees and
159 strengthening business through fair competition.

160 Section 2. Paragraph (a) of subsection (3) of section
161 448.109, Florida Statutes, is amended to read:

162 448.109 Notification of the state minimum wage.—

163 (3) (a) Each year the Division of Labor Standards ~~Department~~
164 ~~of Economic Opportunity~~ shall, on or before December 1, create
165 and make available to employers a poster in English, and in
166 Spanish, and any other languages, as necessary. The poster must
167 give notice of all of the following:

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

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

173 3. The right to file a complaint with the Division of Labor
174 Standards or bring a civil action in a court of competent

25-00554-24

20241388__

175 jurisdiction for a violation of s. 24, Art. X of the State
176 Constitution or s. 448.110. which reads substantially as
177 follows:

178 ~~NOTICE TO EMPLOYEES~~

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

183 ~~The rate of the minimum wage is recalculated yearly on September~~
184 ~~30, based on the Consumer Price Index. Every year on January 1~~
185 ~~the new Florida minimum wage takes effect.~~

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

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

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

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

25-00554-24

20241388__

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

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

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

210 448.110 State minimum wage; annual wage adjustment;
211 enforcement.—

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

214 (2) The purpose of this section is to provide measures
215 appropriate for the implementation of s. 24, Art. X of the State
216 Constitution, in accordance with authority granted to the
217 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State
218 Constitution. To implement s. 24, Art. X of the State
219 Constitution, the Division of Labor Standards, a division within
220 the Department of Commerce ~~Department of Economic Opportunity~~ is
221 designated as the state Agency for Workforce Innovation.

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

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

230 (b) "Client employer" means a business entity, regardless
231 of its form, that obtains or is provided employees to perform
232 labor within its usual course of business from a labor

25-00554-24

20241388__

233 contractor. The term does not include:

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

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

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

241 (c) "Director" means the director of the Division of Labor
242 Standards.

243 (d) "Division" means the Division of Labor Standards of the
244 Department of Commerce.

245 (e) "Employee" means a person employed by an employer,
246 including, but not limited to, full-time employees, part-time
247 employees, and temporary employees.

248 (f) "Employer" has the same meaning as established under
249 the federal Fair Labor Standards Act and its implementing
250 regulations in effect on July 1, 2024.

251 (g) "Judgment debtor" means each person who is liable on a
252 judgment or order to pay a sum of money that remains
253 unsatisfied.

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

261 (i) "Usual course of business" means the regular and

25-00554-24

20241388__

262 customary work of a business performed within or upon the
263 premises or worksite of the client employer.

264 (4)~~(3)~~ Employers shall pay employees a minimum wage at an
265 hourly rate of \$6.15 for all hours worked in Florida. Only those
266 individuals entitled to receive the federal minimum wage under
267 the federal Fair Labor Standards Act, as amended, and its
268 implementing regulations shall be eligible to receive the state
269 minimum wage under ~~pursuant to~~ s. 24, Art. X of the State
270 Constitution and this section. Sections 213 and 214 ~~The~~
271 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
272 Standards Act, as interpreted by applicable federal regulations
273 and implemented by the Secretary of Labor, are incorporated
274 herein.

275 (5) (a)~~(4) (a)~~ Beginning September 30, 2005, and annually on
276 September 30 thereafter, the division ~~department of Economic~~
277 ~~Opportunity~~ shall calculate an adjusted state minimum wage rate
278 by increasing the state minimum wage by the rate of inflation
279 for the 12 months prior to September 1. In calculating the
280 adjusted state minimum wage, the division ~~department of Economic~~
281 ~~Opportunity~~ shall use the Consumer Price Index for Urban Wage
282 Earners and Clerical Workers, not seasonally adjusted, for the
283 South Region or a successor index as calculated by the United
284 States Department of Labor. Each adjusted state minimum wage
285 rate shall take effect on the following January 1, with the
286 initial adjusted minimum wage rate to take effect on January 1,
287 2006.

288 (b) The Department of Revenue and the division ~~department~~
289 ~~of Economic Opportunity~~ shall annually publish the amount of the
290 adjusted state minimum wage and the effective date. Publication

25-00554-24

20241388__

291 shall occur by posting the adjusted state minimum wage rate and
292 the effective date on the Internet home pages of the division
293 ~~department of Economic Opportunity~~ and the Department of Revenue
294 by October 15 of each year. In addition, to the extent funded in
295 the General Appropriations Act, the division ~~department of~~
296 ~~Economic Opportunity~~ shall provide written notice of the
297 adjusted rate and the effective date of the adjusted state
298 minimum wage to all employers registered in the most current
299 reemployment assistance database. Such notice shall be mailed by
300 November 15 of each year using the addresses included in the
301 database. Employers are responsible for maintaining current
302 address information in the reemployment assistance database. The
303 division ~~department of Economic Opportunity~~ is not responsible
304 for failure to provide notice due to incorrect or incomplete
305 address information in the database. The division ~~department of~~
306 ~~Economic Opportunity~~ shall provide the Department of Revenue
307 with the adjusted state minimum wage rate information and
308 effective date in a timely manner.

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

314 (b) Rights protected under s. 24, Art. X of the State
315 Constitution and this section include, but are not limited to:⁷

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

25-00554-24

20241388__

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

324 3. The right to file a complaint with the division or file
325 a civil action in a court of competent jurisdiction for an
326 alleged violation of s. 24, Art. X of the State Constitution or
327 this section.

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

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

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

336 (c) There is a rebuttable presumption that an employer has
337 violated s. 24, Art. X of the State Constitution or this section
338 if the employer takes adverse action against an employee within
339 90 days after the employee exercises a right under paragraph
340 (b). If an employee is a seasonal worker and his or her work
341 ended before the end of the 90-day period, the rebuttable
342 presumption applies if the employer fails to rehire the seasonal
343 worker in the same position at the next opportunity. The
344 rebuttable presumption may be overcome by clear and convincing
345 evidence.

346 (d) The protections provided under this section apply to
347 any employee who alleges a violation of s. 24, Art. X of the
348 State Constitution or this section in good faith. Any complaint

25-00554-24

20241388__

349 or other communication by an employee alleging a violation of s.
350 24, Art. X of the State Constitution or this section triggers
351 the protections under this section even if the complaint or
352 communication does not specifically reference this section.

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

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

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

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

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

370 (8) It is a violation of this section:

371 (a) To misclassify an employee as an independent
372 contractor; or

373 (b) For a person or an entity to enter into a contract or
374 an agreement with an independent contractor for labor or
375 services if the person or entity knows or should know that the
376 contract or agreement does not include funds sufficient to allow
377 the independent contractor to comply with all applicable local,

25-00554-24

20241388__

378 state, and federal laws or regulations governing the labor or
379 services to be provided.

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

384 (b) In order to encourage a person or organization to
385 report a suspected violation of this section, the division:

386 1. Must keep the name and other identifying information
387 about the reporter confidential to the extent permitted by law.
388 The division may disclose the reporter's name or identification
389 with the written consent of the reporter.

390 2. Must provide a notice form to an employer being
391 investigated, which must be posted in a conspicuous and
392 accessible location at the workplace, notifying the employees
393 that the division is conducting an investigation under this
394 section. The notice form must be in English and any other
395 language that is the primary language of a majority of the
396 employees in the workplace. If display of the notice form is not
397 feasible, the employer must provide it to each employee through
398 electronic means and also provide each employee a physical copy
399 of the notice form.

400 3. May certify the eligibility of a person for a visa under
401 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a) (15) (U), subject to
402 applicable federal law and regulations, and other rules issued
403 by the division.

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

406 1. Enter and inspect the workplace.

25-00554-24

20241388__

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

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

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

415 5. Take depositions and affidavits.

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

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

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

430 (11) (a) During the course of an investigation under this
431 section or if the director reasonably believes that an employer
432 has engaged in, is engaging in, or is about to engage in, a
433 violation of this section, the division or the Attorney General
434 may seek injunctive relief to:

435 1. Prohibit the employer from continuing to engage or

25-00554-24

20241388__

436 engaging in the violation or doing any acts in furtherance of
437 the violation.

438 2. Prevent violations or attempted violations of this
439 section.

440 3. Prohibit the employer's attempts to interfere with or
441 impede the enforcement of this section.

442 4. Exercise or perform any power or duty under this
443 section.

444 (b) When determining whether injunctive relief is
445 appropriate, the court shall consider any potential or direct
446 harm to an employee from a violation of this section and the
447 chilling effect on other employees attempting to assert their
448 rights under this section.

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

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

458 (12) (a) If a violation of this section is found during an
459 investigation and the violation is not remedied through
460 settlement or otherwise, the division must issue a citation to
461 the employer. The citation must be in writing and describe the
462 nature of the violation and include any and all appropriate
463 relief. Appropriate relief includes, but is not limited to,
464 requiring an employer to cease and desist; to take any action

25-00554-24

20241388__

465 necessary to remedy the violation, such as rehiring or
466 reinstating an employee, reimbursing lost wages plus interest,
467 or paying liquidated damages in an amount equal to two times the
468 unpaid wages, or other fines and penalties, including a fine of
469 not more than \$50 for each day a violation continues to exist
470 and for each employee to whom the violation occurred payable to
471 the state or aggrieved employee; to take training classes
472 relating to compliance with this section; or to submit to
473 compliance monitoring by the division. The division shall serve
474 the citation in a manner provided by the Florida Rules of Civil
475 Procedure. The citation must advise the employer of his or her
476 right to an administrative hearing to have the citation
477 reviewed.

478 (b) Within 30 days after service of a citation, an employer
479 must comply with all appropriate relief specified in the
480 citation or may obtain review of the citation by providing a
481 written request for review to the director. Upon receipt of a
482 written request for review, the director shall assign the
483 citation to an administrative law judge to conduct a hearing and
484 issue a written decision. Hearings conducted under this
485 subsection are governed by the division and the rules of
486 practice and procedure adopted by the division.

487 (c) An administrative hearing must commence within 90 days
488 after receipt of a timely submitted request for review. The
489 administrative law judge must render a written decision within
490 90 days after the conclusion of the hearing. The decision must
491 include a statement of findings, conclusions of law, and a
492 recommended order that specifies all appropriate relief as
493 authorized under paragraph (a), including the amount required

25-00554-24

20241388__

494 for an appeal bond should the employer choose to obtain review
495 of the order issued under this paragraph. The decision must be
496 served on all parties in a manner provided by the Florida Rules
497 of Civil Procedure. If the recommended order includes a monetary
498 remedy, the amount is due 45 days after the written decision is
499 properly served on the employer.

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

507 2. Before an employer may obtain review of the decision, he
508 or she must post an appeal bond, in the amount specified in the
509 recommended order, issued by a licensed surety or as a cash
510 deposit with the court. The employer shall provide written
511 notice to the division and any other parties of the posting of
512 the appeal bond.

513 3. A court may overturn a decision based on abuse of
514 discretion. An employer establishes an abuse of discretion if he
515 or she alleges that the findings are not supported by the
516 evidence and the court determines that the findings are not
517 supported by substantial evidence when looking at the entire
518 record.

519 4. If the court issues an order in favor of the aggrieved
520 party or if the appeal is withdrawn or dismissed without entry
521 of judgment, the employer is liable for the relief specified in
522 the written decision from the administrative hearing, unless the

25-00554-24

20241388__

523 parties execute a settlement agreement, in which case the
524 employer is liable for the relief specified in the settlement
525 agreement. If the written decision from the administrative
526 hearing or the settlement agreement provides for monetary
527 relief, and the employer fails to pay the amount owed within 10
528 days after entry of a judgment, dismissal or withdrawal of the
529 appeal, or the execution of a settlement agreement, a portion of
530 the appeal bond equal to the amount owed, or the entire appeal
531 bond if the amount owed exceeds the amount of the bond, must be
532 paid to the aggrieved party.

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

546 6. If an employer fails to comply with a citation or final
547 order, whether issued by the division, administrative law judge,
548 or court, and has exhausted all reviews or appeals or the time
549 to file a review or appeal has expired, the division or the
550 Attorney General may commence and prosecute a civil action to
551 recover unpaid wages, including interest, fines, or penalties;

25-00554-24

20241388__

552 equitable relief; and liquidated damages owed to an aggrieved
553 person. The prevailing party is entitled to applicable fines or
554 civil penalties and reasonable attorney fees and costs.

555 (13) (a) A person aggrieved by a violation of this section
556 may bring a civil action in a court of competent jurisdiction.

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

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

578 ~~(e)1.~~ Upon prevailing in a civil an action brought under
579 paragraph (6) (e) ~~pursuant to this section~~, aggrieved persons
580 shall recover the full amount of any unpaid back wages, plus

25-00554-24

20241388__

581 interest, unlawfully withheld plus up to two times the unpaid
582 wages ~~the same amount~~ as liquidated damages and shall be awarded
583 reasonable attorney ~~attorney's~~ fees and costs. Additionally, As
584 ~~provided under the federal Fair Labor Standards Act, pursuant to~~
585 ~~s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if~~
586 ~~the employer proves by a preponderance of the evidence that the~~
587 ~~act or omission giving rise to such action was in good faith and~~
588 ~~that the employer had reasonable grounds for believing that his~~
589 ~~or her act or omission was not a violation of s. 24, Art. X of~~
590 ~~the State Constitution, the court may, in its sound discretion,~~
591 ~~award no liquidated damages or award any amount thereof not to~~
592 ~~exceed an amount equal to the amount of unpaid minimum wages.~~
593 ~~The court shall not award any economic damages on a claim for~~
594 ~~unpaid minimum wages not expressly authorized in this section.~~

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

603 (b) In addition to any other remedies or penalties
604 authorized by law, if an employer is found to have willfully
605 violated this section, the division, administrative law judge,
606 or court may impose a fine of \$1,000 per violation payable to
607 the state.

608 (c) In addition to any other remedies or penalties
609 authorized by law, any employer or other person found to have

25-00554-24

20241388__

610 hindered, prevented, impeded, or interfered with the division or
611 administrative hearing body in the performance of their duties
612 is subject to a civil penalty of not less than \$1,000 and not
613 more than \$5,000, which may be assessed by the division,
614 administrative law judge, or court.

615 (d) In addition to any other remedies or penalties
616 authorized by law, if the division, administrative law judge, or
617 court finds that an employer took adverse action or retaliated
618 against an employee in violation of subsection (6):

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

624 2. The division, administrative law judge, or court may
625 impose an administrative penalty not to exceed \$5,000 payable to
626 the aggrieved party.

627 (e) In addition to any other remedies or penalties
628 authorized by law, if the division, administrative law judge, or
629 court finds that an employer or entity violated subsection (8),
630 the division, administrative law judge, or court may impose the
631 following:

632 1. A civil penalty in an amount up to 5 percent of the
633 employee's gross earnings over the past 12 months, payable to
634 the misclassified employee.

635 2. A civil penalty up to \$5,000 per violation, payable to
636 the state.

637 (f) ~~(d)~~ Any civil action brought under s. 24, Art. X of the
638 State Constitution and this section is ~~shall be~~ subject to s.

25-00554-24

20241388__

639 768.79.

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

646 ~~(14)(8)~~ The statute of limitations for an action brought
647 under pursuant to this section is shall be for the period of
648 time specified in s. 95.11 beginning on the date the alleged
649 violation occurred. The statute of limitations applicable to an
650 action under this section is tolled during the division's
651 investigation and any administrative enforcement under this
652 section.

653 ~~(15)(9)~~ Actions brought under pursuant to this section may
654 be brought as a class action pursuant to Rule 1.220, Florida
655 Rules of Civil Procedure. In any class action brought under
656 ~~pursuant to~~ this section, the plaintiffs must shall prove, by a
657 preponderance of the evidence, the individual identity of each
658 class member and the individual damages of each class member.

659 ~~(16)(10)~~ This section is shall constitute the exclusive
660 remedy under state law for violations of s. 24, Art. X of the
661 State Constitution.

662 (17) The division shall make reasonable efforts to ensure
663 that judgments against an employer are satisfied and may use any
664 remedy that is available to a judgment creditor to collect an
665 unsatisfied judgment. The division may collect wages, damages,
666 and other monetary remedies on behalf of an employee. The
667 division acts as the trustee of any unsatisfied judgment it

25-00554-24

20241388__

668 collects and shall deposit such wages, damages, or other
669 monetary remedy in the appropriate fund as provided by rule. The
670 division shall conduct a diligent search for any employee for
671 whom it collects an unsatisfied judgment.

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

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

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

696 (d) Any fees, commissions, expenses, or costs associated

25-00554-24

20241388__

697 with the sale of property levied under this subsection are the
698 obligation of the judgment debtor and may be collected by virtue
699 of the levy or in any other manner as though the fees,
700 commissions, expenses, or costs were part of the judgment.

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

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

723 (b) An employer may appeal the stop-order by filing, within
724 20 days after receipt of the stop-order, a written request with
725 the division for an administrative hearing. The hearing must be

25-00554-24

20241388__

726 held within 5 days after receipt of the written request, at
727 which time the stop-order must be affirmed or dismissed and the
728 division shall mail a written notice of findings by United
729 States mail to all parties within 24 hours after the conclusion
730 of the hearing. A party may appeal the written notice of
731 findings to a court of competent jurisdiction within 45 days
732 after the notice is mailed. The division may seek injunctive or
733 other appropriate relief to enforce the stop-order and is
734 entitled to attorney fees and costs if the division prevails.

735 (c) An employer, owner, director, officer, or managing
736 agent of an employer who fails to comply with a stop-order
737 issued under this subsection is guilty of a misdemeanor of the
738 second degree, punishable as provided in s. 775.082 or s.
739 775.083.

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

743 (20) If a citation issued by the division, written decision
744 and order issued by an administrative law judge, or final
745 judgment awarded under this section remains unsatisfied 30 days
746 after all reviews or appeals have been exhausted or the time to
747 request a review or file an appeal has expired, the division may
748 request that the appropriate state agency, and the state agency
749 is authorized to, deny, suspend, or revoke any license held by
750 the employer until such time as the judgment is satisfied.

751 (21) Any person acting on behalf of an employer may be held
752 liable as the employer for a violation of s. 24, Art. X of the
753 State Constitution or this section. A client employer is jointly
754 and severally liable with a labor contractor for the payment of

25-00554-24

20241388__

755 unpaid wages, interest, liquidated damages, fines, or penalties
756 awarded under this section.

757 (22) All employers, client employers, and labor contractors
758 shall create records documenting compliance with s. 24, Art. X
759 of the State Constitution and this section in accordance with
760 division rules. Records must be maintained for a minimum of 5
761 years after an employee leaves the employment of the employer or
762 client employer, or is no longer working with a labor
763 contractor. An employer, a client employer, or a labor
764 contractor must allow the division reasonable access to the
765 records when requested. If an employee, or other authorized
766 person or entity, alleges a violation of s. 24, Art. X of the
767 State Constitution or this section and the employer, client
768 employer, or labor contractor has not created and maintained
769 records as required under this subsection, there is a rebuttable
770 presumption that the employer, client employer, or labor
771 contractor is in violation of the law. The employer, client
772 employer, or labor contractor can overcome this presumption with
773 clear and convincing evidence.

774 (23) The division may enter into agreements with local,
775 state, or federal agencies to assist in the administration and
776 enforcement of this section.

777 (24) Subject to appropriation of funds by the Legislature,
778 the division shall establish and maintain an outreach and
779 education partnership program to promote awareness of, and
780 compliance with, s. 24, Art. X of the State Constitution and
781 this section. The division shall pursue partnerships with
782 community-based organizations and unions through a competitive
783 request for proposals. Duties of the outreach and education

25-00554-24

20241388__

784 partnership program may include:

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

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

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

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

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

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

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

800 (25)(11) Except for calculating the adjusted state minimum
801 wage and publishing the initial state minimum wage and any
802 annual adjustments thereto, the authority of the division
803 ~~department of Economic Opportunity~~ in implementing s. 24, Art. X
804 of the State Constitution, pursuant to this section, is ~~shall be~~
805 limited to that authority expressly granted by the Legislature.

806 Section 4. Section 448.112, Florida Statutes, is created to
807 read:

808 448.112 Division of Labor Standards Community Advisory
809 Board.—The Division of Labor Standards Community Advisory Board
810 is established within the Division of Labor Standards.

811 (1) The advisory board shall consist of the following
812 members who must be approved by the director of the Division of

25-00554-24

20241388__

813 Labor Standards:

814 (a) A representative from the Division of Labor Standards.

815 (b) A representative from the Department of Commerce.

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

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

818 (e) A representative from a small business as defined in s.
819 288.703.

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

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

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

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

831 (5) The advisory board shall submit an annual report to the
832 director of the Division of Labor Standards recommending changes
833 to existing state policies and programs to ensure employee
834 safety and equity, with particular emphasis on racial equity and
835 low-wage and migrant workers.

836 (6) By January 1, 2025, and annually thereafter, the
837 director of the Division of Labor Standards shall submit the
838 annual report to the Governor, the President of the Senate, and
839 the Speaker of the House of Representatives.

840 Section 5. This act shall take effect July 1, 2024.