

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Regulatory Reform &
 2 Economic Development Subcommittee
 3 Representative Nixon offered the following:

Amendment (with title amendment)

Between lines 12 and 13, insert:

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

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

(1) There is created the Department of Labor.

(2) The head of the department is the Secretary of Labor, who shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of and report to the Governor.

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

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

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

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

29 Section 2. Paragraph (a) of subsection (3) of section
30 448.109, Florida Statutes, is amended to read:

31 448.109 Notification of the state minimum wage.—

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

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

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62 ~~3. Inform any person of his or her potential rights under~~
63 ~~Section 24, Article X of the State Constitution and to~~
64 ~~assist him or her in asserting such rights.~~

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

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

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

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

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

79 448.110 State minimum wage; annual wage adjustment;
80 enforcement.—

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

83 (2) The purpose of this section is to provide measures
84 appropriate for the implementation of s. 24, Art. X of the State
85 Constitution, in accordance with authority granted to the
86 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State

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87 Constitution. To implement s. 24, Art. X of the State
88 Constitution, the Department of Labor ~~Department of Economic~~
89 ~~Opportunity~~ is designated as the state Agency for Workforce
90 Innovation.

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

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

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

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

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

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

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

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111 (d) "Employee" has the same meaning as established under
112 the federal Fair Labor Standards Act and its implementing
113 regulations in effect on July 1, 2024.

114 (e) "Employer" has the same meaning as established under
115 the federal Fair Labor Standards Act and its implementing
116 regulations in effect on July 1, 2024.

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

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

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

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

131 (4)-(3) Employers shall pay employees a minimum wage at an
132 hourly rate of \$6.15 for all hours worked in Florida. Only those
133 individuals entitled to receive the federal minimum wage under
134 the federal Fair Labor Standards Act, as amended, and its
135 implementing regulations shall be eligible to receive the state

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136 minimum wage under ~~pursuant to~~ s. 24, Art. X of the State
137 Constitution and this section. Sections 213 and 214 ~~The~~
138 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
139 Standards Act, as interpreted by applicable federal regulations
140 and implemented by the Secretary of Labor, are incorporated
141 herein.

142 ~~(5)(a)-(4)(a)~~ Beginning September 30, 2005, and annually on
143 September 30 thereafter, the department ~~of Economic Opportunity~~
144 shall calculate an adjusted state minimum wage rate by
145 increasing the state minimum wage by the rate of inflation for
146 the 12 months prior to September 1. In calculating the adjusted
147 state minimum wage, the department ~~of Economic Opportunity~~ shall
148 use the Consumer Price Index for Urban Wage Earners and Clerical
149 Workers, not seasonally adjusted, for the South Region or a
150 successor index as calculated by the United States Department of
151 Labor. Each adjusted state minimum wage rate shall take effect
152 on the following January 1, with the initial adjusted minimum
153 wage rate to take effect on January 1, 2006.

154 (b) The Department of Revenue and the department ~~of~~
155 ~~Economic Opportunity~~ shall annually publish the amount of the
156 adjusted state minimum wage and the effective date. Publication
157 shall occur by posting the adjusted state minimum wage rate and
158 the effective date on the Internet home pages of the department
159 ~~of Economic Opportunity~~ and the Department of Revenue by October
160 15 of each year. In addition, to the extent funded in the

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161 General Appropriations Act, the department ~~of Economic~~
162 ~~Opportunity~~ shall provide written notice of the adjusted rate
163 and the effective date of the adjusted state minimum wage to all
164 employers registered in the most current reemployment assistance
165 database. Such notice shall be mailed by November 15 of each
166 year using the addresses included in the database. Employers are
167 responsible for maintaining current address information in the
168 reemployment assistance database. The department ~~of Economic~~
169 ~~Opportunity~~ is not responsible for failure to provide notice due
170 to incorrect or incomplete address information in the database.
171 The department ~~of Economic Opportunity~~ shall provide the
172 Department of Revenue with the adjusted state minimum wage rate
173 information and effective date in a timely manner.

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

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

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

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

189 3. The right to file a complaint with the department or
190 file a civil action in a court of competent jurisdiction for an
191 alleged violation of s. 24, Art. X of the State Constitution or
192 this section.

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

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

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

201 (c) There is a rebuttable presumption that an employer has
202 violated s. 24, Art. X of the State Constitution or this section
203 if the employer takes adverse action against an employee within
204 90 days after the employee exercises a right under paragraph
205 (b). If an employee is a seasonal worker and his or her work
206 ended before the end of the 90-day period, the rebuttable
207 presumption applies if the employer fails to rehire the seasonal
208 worker in the same position at the next opportunity. The

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209 rebuttable presumption may be overcome by clear and convincing
210 evidence.

211 (d) The protections provided under this section apply to
212 any employee who alleges a violation of s. 24, Art. X of the
213 State Constitution or this section in good faith. Any complaint
214 or other communication by an employee alleging a violation of s.
215 24, Art. X of the State Constitution or this section triggers
216 the protections under this section even if the complaint or
217 communication does not specifically reference this section.

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

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

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

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

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

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

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

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

249 1. Must keep the name and other identifying information
250 about the reporter confidential to the extent permitted by law.
251 The department may disclose the reporter's name or
252 identification with the written consent of the reporter.

253 2. Must provide a notice form to an employer being
254 investigated, which must be posted in a conspicuous and
255 accessible location at the workplace, notifying the employees
256 that the department is conducting an investigation under this
257 section. The notice form must be in English and any other

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258 language that is the primary language of a majority of the
259 employees in the workplace. If display of the notice form is not
260 feasible, the employer must provide it to each employee through
261 electronic means and also provide each employee a physical copy
262 of the notice form.

263 3. May certify the eligibility of a person for a visa
264 under 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U),
265 subject to applicable federal law and regulations, and other
266 rules issued by the department.

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

269 1. Enter and inspect the workplace.

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

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

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

279 5. Take depositions and affidavits.

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

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

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

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

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

305 (c) A temporary injunction remains in effect until the
306 department issues a citation to the employer or until the
307 completion of an administrative hearing, whichever is longer, or

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308 until a time certain set by the court. A temporary injunction
309 does not prohibit an employer from taking adverse action against
310 an employee for conduct unrelated to an alleged violation of
311 this section.

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

314 (12) (a) If a violation of this section is found during an
315 investigation and the violation has not been remedied by the end
316 of the investigation, the department must issue a citation to
317 the employer. The citation must be in writing and describe the
318 nature of the violation and include any and all appropriate
319 relief. Appropriate relief includes requiring an employer to
320 cease and desist; to take any action necessary to remedy the
321 violation, such as rehiring or reinstating an employee,
322 reimbursing lost wages, or paying liquidated damages or other
323 finances and penalties; to take training classes relating to
324 compliance with this section; or to submit to compliance
325 monitoring by the department. The department shall serve the
326 citation in a manner provided by the Florida Rules of Civil
327 Procedure. The citation must advise the employer of his or her
328 right to an administrative hearing to have the citation
329 reviewed.

330 (b) Within 30 days after service of a citation, an
331 employer must comply with all appropriate relief specified in
332 the citation or may obtain review of the citation by providing a

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333 written request for review to the office of the secretary. Upon
334 receipt of a written request for review, the secretary shall
335 assign the citation to an administrative law judge to conduct a
336 hearing and issue a written decision. Hearings conducted under
337 this subsection are governed by the department and the rules of
338 practice and procedure adopted by the department.

339 (c) An administrative hearing must commence within 90 days
340 after receipt of a timely submitted request for review. The
341 administrative law judge must render a written decision within
342 90 days after the conclusion of the hearing. The decision must
343 include a statement of findings, conclusions of law, and a
344 recommended order that specifies all appropriate relief as
345 authorized under paragraph (a), including the amount required
346 for an appeal bond should the employer choose to obtain review
347 of the order issued under this paragraph. The decision must be
348 served on all parties in a manner provided by the Florida Rules
349 of Civil Procedure. If the recommended order includes a monetary
350 remedy, the amount is due 45 days after the written decision is
351 properly served on the employer.

352 (d)1. An employer may obtain review of the written
353 decision and order issued under paragraph (c) by filing a
354 petition for a writ of mandamus to a court having jurisdiction
355 within 45 days after the written decision is properly served on
356 the employer. If a petition for a writ of mandamus is not filed

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357 within the appropriate time, the recommended order in the
358 written decision becomes final.

359 2. Before an employer may obtain review of the decision,
360 he or she must post an appeal bond, in the amount specified in
361 the recommended order, issued by a licensed surety or as a cash
362 deposit with the court. The employer shall provide written
363 notice to the department and any other parties of the posting of
364 the appeal bond.

365 3. A court may overturn a decision based on abuse of
366 discretion. An employer establishes an abuse of discretion if he
367 or she alleges that the findings are not supported by the
368 evidence and the court determines that the findings are not
369 supported by substantial evidence when looking at the entire
370 record.

371 4. If the court issues an order in favor of the aggrieved
372 party or if the appeal is withdrawn or dismissed without entry
373 of judgment, the employer is liable for the relief specified in
374 the written decision from the administrative hearing, unless the
375 parties execute a settlement agreement, in which case the
376 employer is liable for the relief specified in the settlement
377 agreement. If the written decision from the administrative
378 hearing or the settlement agreement provide for monetary relief,
379 and the employer fails to pay the amount owed within 10 days
380 after entry of a judgment, dismissal or withdrawal of the
381 appeal, or the execution of a settlement agreement, a portion of

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382 the appeal bond equal to the amount owed, or the entire appeal
383 bond if the amount owed exceeds the amount of the bond, must be
384 paid to the aggrieved party.

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

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

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

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

428 ~~(13) (a) (e) 1.~~ Upon prevailing in a civil ~~an~~ action brought
429 under paragraph (6) (e) ~~pursuant to this section~~, aggrieved
430 persons shall recover the full amount of any unpaid back wages,
431 plus interest, unlawfully withheld plus up to two times the

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432 ~~unpaid wages the same amount~~ as liquidated damages and shall be
433 awarded reasonable attorney ~~attorney's~~ fees and costs.
434 ~~Additionally, As provided under the federal Fair Labor Standards~~
435 ~~Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29~~
436 ~~U.S.C. s. 260, if the employer proves by a preponderance of the~~
437 ~~evidence that the act or omission giving rise to such action was~~
438 ~~in good faith and that the employer had reasonable grounds for~~
439 ~~believing that his or her act or omission was not a violation of~~
440 ~~s. 24, Art. X of the State Constitution, the court may, in its~~
441 ~~sound discretion, award no liquidated damages or award any~~
442 ~~amount thereof not to exceed an amount equal to the amount of~~
443 ~~unpaid minimum wages. The court shall not award any economic~~
444 ~~damages on a claim for unpaid minimum wages not expressly~~
445 ~~authorized in this section.~~

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

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

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

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

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

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

474 (e)-(d) Any civil action brought under s. 24, Art. X of the
475 State Constitution and this section is ~~shall be~~ subject to s.
476 768.79.

477 ~~(7) The Attorney General may bring a civil action to~~
478 ~~enforce this section. The Attorney General may seek injunctive~~
479 ~~relief. In addition to injunctive relief, or in lieu thereof,~~
480 ~~for any employer or other person found to have willfully~~

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481 ~~violated this section, the Attorney General may seek to impose a~~
482 ~~fine of \$1,000 per violation, payable to the state.~~

483 ~~(14)-(8)~~ The statute of limitations for an action brought
484 ~~under pursuant to~~ this section ~~is shall be for~~ the period of
485 time specified in s. 95.11 beginning on the date the alleged
486 violation occurred. The statute of limitations applicable to an
487 action under this section is tolled during the department's
488 investigation and any administrative enforcement under this
489 section.

490 ~~(15)-(9)~~ Actions brought ~~under pursuant to~~ this section may
491 be brought as a class action pursuant to Rule 1.220, Florida
492 Rules of Civil Procedure. In any class action brought under
493 ~~pursuant to~~ this section, the plaintiffs must shall prove, by a
494 preponderance of the evidence, the individual identity of each
495 class member and the individual damages of each class member.

496 ~~(16)-(10)~~ This section ~~is shall constitute~~ the exclusive
497 remedy under state law for violations of s. 24, Art. X of the
498 State Constitution.

499 (17) The department shall make reasonable efforts to
500 ensure that judgments against an employer are satisfied and may
501 use any remedy that is available to a judgment creditor to
502 collect an unsatisfied judgment. The department may collect
503 wages, damages, and other monetary remedies on behalf of an
504 employee. The department acts as the trustee of any unsatisfied
505 judgment it collects and shall deposit such wages, damages, or

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506 other monetary remedy in the appropriate fund as provided by
507 rule. The department shall conduct a diligent search for any
508 employee for whom it collects an unsatisfied judgment.

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

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

529 (c) Any person who receives a notice of levy from the
530 department and fails or refuses to surrender any credits, money,

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531 or property of the judgment debtor is liable to the department
532 for the amount specified in the notice of levy.

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

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

548 (19) (a) If a citation issued by the department, written
549 decision and order issued by an administrative law judge, or
550 final judgment awarded under this section remains unsatisfied 30
551 days after all reviews and appeals have been exhausted or the
552 time to request a review or file an appeal has expired, the
553 department may issue a stop-order prohibiting the employer from
554 conducting business in the state using employee labor, including
555 conducting business using the labor of another business,

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556 contractor, or subcontractor instead of the labor of an
557 employee, until the judgment is satisfied. The stop-order is
558 effective upon receipt of the order and the employer must pay
559 employees up to 10 days of lost wages due to the stop-order.

560 (b) An employer may appeal the stop-order by filing,
561 within 20 days after receipt of the stop-order, a written
562 request with the department for an administrative hearing. The
563 hearing must be held within 5 days after receipt of the written
564 request, at which time the stop-order must be affirmed or
565 dismissed and the department shall mail a written notice of
566 findings by United States mail to all parties within 24 hours
567 after the conclusion of the hearing. A party may appeal the
568 written notice of findings to a court of competent jurisdiction
569 within 45 days after the notice is mailed. The department may
570 seek injunctive or other appropriate relief to enforce the stop-
571 order and is entitled to attorney fees and costs if the
572 department prevails.

573 (c) An employer, owner, director, officer, or managing
574 agent of an employer who fails to comply with a stop-order
575 issued under this subsection is guilty of a misdemeanor of the
576 second degree, punishable as provided in s. 775.082 or s.
577 775.083.

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

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581 (20) If a citation issued by the department, written
582 decision and order issued by an administrative law judge, or
583 final judgment awarded under this section remains unsatisfied 30
584 days after all reviews or appeals have been exhausted or the
585 time to request a review or file an appeal has expired, the
586 department may request that the appropriate state agency, and
587 the state agency is authorized to, deny, suspend, or revoke any
588 license held by the employer until such time as the judgment is
589 satisfied.

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

596 (22) All employers, client employers, and labor
597 contractors shall create records documenting compliance with s.
598 24, Art. X of the State Constitution and this section in
599 accordance with department rules. Records must be maintained for
600 a minimum of 5 years after an employee leaves the employment of
601 the employer or client employer, or is no longer working with a
602 labor contractor. An employer, client employer, or labor
603 contractor must allow the department reasonable access to the
604 records when requested. If an employee, or other authorized
605 person or entity, alleges a violation of s. 24, Art. X of the

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606 State Constitution or this section and the employer, client
607 employer, or labor contractor has not created and maintained
608 records as required under this subsection, there is a rebuttable
609 presumption that the employer, client employer, or labor
610 contractor is in violation of the law. The employer, client
611 employer, or labor contractor can overcome this presumption with
612 clear and convincing evidence.

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

616 (24) Subject to appropriation of funds by the Legislature,
617 the department shall establish and maintain an outreach and
618 education partnership program to promote awareness of, and
619 compliance with, s. 24, Art. X of the State Constitution and
620 this section. The department shall pursue partnerships with
621 community-based organizations and unions through a competitive
622 request for proposals. Duties of the outreach and education
623 partnership program may include:

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

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

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

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

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

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

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

640 (25)-(11) Except for calculating the adjusted state minimum
641 wage and publishing the initial state minimum wage and any
642 annual adjustments thereto, the authority of the department ~~of~~
643 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State
644 Constitution, pursuant to this section, is shall be limited to
645 that authority expressly granted by the Legislature.

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

648 448.111 Department of Labor Community Advisory Board.—The
649 Department of Labor Community Advisory Board is established
650 within the Department of Labor.

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

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

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- 655 (b) A representative from the Department of Economic
656 Opportunity.
- 657 (c) A representative from the Department of Education.
- 658 (d) A representative from the Florida Chamber of Commerce.
- 659 (e) A representative from a small business as defined in
660 s. 288.703.
- 661 (f) Four representatives from labor organizations as
662 defined in s. 447.02(1) throughout the state.
- 663 (2) Members of the advisory board shall be appointed for
664 2-year terms, which shall be staggered.
- 665 (3) Members of the advisory board shall serve without
666 compensation and are not entitled to receive reimbursement for
667 per diem or travel expenses.
- 668 (4) The advisory board shall meet at least three times a
669 year in order to review reports and projects of the Department
670 of Labor. Meetings of the advisory board must be open to the
671 public and provide the opportunity for public comment.
- 672 (5) The advisory board shall submit an annual report to
673 the Secretary of the Department of Labor recommending changes to
674 existing state policies and programs to ensure worker safety and
675 equity, with particular emphasis on racial equity and low-wage
676 and migrant workers.
- 677 (6) By January 1, 2025, and annually thereafter, the
678 Secretary of the Department of Labor shall submit the annual

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679 report to the Governor, the President of the Senate, and the
680 Speaker of the House of Representatives.

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T I T L E A M E N D M E N T

684

Remove line 2 and insert:

685

An act relating to employment and curfew; creating s.

686

20.71, F.S.; creating the Department of Labor as a new

687

department of state government; providing for the

688

secretary of the department to be appointed by the

689

Governor and confirmed by the Senate; authorizing the

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secretary to establish divisions and regional offices

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of the department; providing the purpose of the

692

department; authorizing the department to adopt rules;

693

amending s. 448.109, F.S.; revising requirements for

694

notifying employees of certain rights; conforming

695

provisions to changes made by the act; amending s.

696

448.110, F.S.; designating the Department of Labor as

697

the state Agency for Workforce Innovation for purposes

698

of implementing s. 24, Art. X of the State

699

Constitution; providing definitions; revising the

700

protected rights of an employee; creating a rebuttable

701

presumption and burden of proof for an employer;

702

revising the process for filing a complaint for a

703

violation of protected rights; prohibiting a person or

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704 entity from entering into certain contracts;
705 authorizing and providing the department certain
706 powers to conduct investigations, issue citations,
707 enforce and collect judgments by certain means, and
708 partner with other entities for enforcement and
709 education outreach; providing for injunctive relief
710 under certain circumstances; providing a process for
711 review of a citation, levy, or stop-order issued by
712 the department; providing penalties; tolling the
713 statute of limitations during an investigation;
714 providing liability; requiring certain records be
715 maintained for a specified length of time; creating s.
716 448.111, F.S.; creating the Department of Labor
717 Community Advisory Board within the Department of
718 Labor; providing for membership, meetings, and duties
719 of the advisory board; requiring an annual report to
720 the Secretary of the Department of Labor, the
721 Governor, and the Legislature by a specified date;