

Amendment No.

CHAMBER ACTION

Senate

House

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

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

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

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

27       Section 2. Paragraph (a) of subsection (3) of section  
28 448.109, Florida Statutes, is amended to read:

29       448.109 Notification of the state minimum wage.—

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

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

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

40 3. The right to file a complaint with the Department of  
41 Labor or bring a civil action in a court of competent  
42 jurisdiction for a violation of s. 24, Art. X of the State  
43 Constitution or s. 448.110. which reads substantially as  
44 follows:

45 NOTICE TO EMPLOYEES

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

50 ~~The rate of the minimum wage is recalculated yearly on September~~  
51 ~~30, based on the Consumer Price Index. Every year on January 1~~  
52 ~~the new Florida minimum wage takes effect.~~

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

- 56 ~~1. File a complaint about an employer's alleged~~  
57 ~~noncompliance with lawful minimum wage requirements.~~
- 58 ~~2. Inform any person about an employer's alleged~~  
59 ~~noncompliance with lawful minimum wage requirements.~~

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

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

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

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

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

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

77 448.110 State minimum wage; annual wage adjustment;  
78 enforcement.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 (4)-(3) Employers shall pay employees a minimum wage at an  
130 hourly rate of \$6.15 for all hours worked in Florida. Only those  
131 individuals entitled to receive the federal minimum wage under  
132 the federal Fair Labor Standards Act, as amended, and its  
133 implementing regulations shall be eligible to receive the state

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

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

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

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

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

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

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

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

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

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

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

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

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

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207 rebuttable presumption may be overcome by clear and convincing  
208 evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

267 1. Enter and inspect the workplace.

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

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

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

277 5. Take depositions and affidavits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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355 within the appropriate time, the recommended order in the  
356 written decision becomes final.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481 ~~(14)-(8)~~ The statute of limitations for an action brought  
482 ~~under pursuant to~~ this section ~~is shall be for~~ the period of  
483 time specified in s. 95.11 beginning on the date the alleged  
484 violation occurred. The statute of limitations applicable to an  
485 action under this section is tolled during the department's  
486 investigation and any administrative enforcement under this  
487 section.

488 ~~(15)-(9)~~ Actions brought ~~under pursuant to~~ this section may  
489 be brought as a class action pursuant to Rule 1.220, Florida  
490 Rules of Civil Procedure. In any class action brought under  
491 ~~pursuant to~~ this section, the plaintiffs must shall prove, by a  
492 preponderance of the evidence, the individual identity of each  
493 class member and the individual damages of each class member.

494 ~~(16)-(10)~~ This section ~~is shall constitute~~ the exclusive  
495 remedy under state law for violations of s. 24, Art. X of the  
496 State Constitution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

638 (25)-(11) Except for calculating the adjusted state minimum  
639 wage and publishing the initial state minimum wage and any  
640 annual adjustments thereto, the authority of the department ~~of~~  
641 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State  
642 Constitution, pursuant to this section, is shall be limited to  
643 that authority expressly granted by the Legislature.

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

646 448.111 Department of Labor Community Advisory Board.—The  
647 Department of Labor Community Advisory Board is established  
648 within the Department of Labor.

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

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

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

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

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

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

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

661 (2) Members of the advisory board shall be appointed for  
662 2-year terms, which shall be staggered.

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

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

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

675 (6) By January 1, 2025, and annually thereafter, the  
676 Secretary of the Department of Labor shall submit the annual

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677 report to the Governor, the President of the Senate, and the  
678 Speaker of the House of Representatives.

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

682 Remove line 2 and insert:  
683 An act relating to employment and curfew; creating s.  
684 20.71, F.S.; creating the Department of Labor as a new  
685 department of state government; providing for the  
686 secretary of the department to be appointed by the  
687 Governor and confirmed by the Senate; authorizing the  
688 secretary to establish divisions and regional offices  
689 of the department; providing the purpose of the  
690 department; authorizing the department to adopt rules;  
691 amending s. 448.109, F.S.; revising requirements for  
692 notifying employees of certain rights; conforming  
693 provisions to changes made by the act; amending s.  
694 448.110, F.S.; designating the Department of Labor as  
695 the state Agency for Workforce Innovation for purposes  
696 of implementing s. 24, Art. X of the State  
697 Constitution; providing definitions; revising the  
698 protected rights of an employee; creating a rebuttable  
699 presumption and burden of proof for an employer;  
700 revising the process for filing a complaint for a  
701 violation of protected rights; prohibiting a person or

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