

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; amending s. 448.110,
11 F.S.; designating the Division of Labor Standards as
12 the state Agency for Workforce Innovation for purposes
13 of implementing s. 24, Art. X of the State
14 Constitution; providing definitions; revising the
15 protected rights of an employee; creating a rebuttable
16 presumption and burden of proof for an employer;
17 revising the process for filing a complaint for a
18 violation of protected rights; specifying that certain
19 actions are violations of the state minimum wage law;
20 prohibiting a person or entity from entering into
21 certain contracts; authorizing and providing the
22 division certain powers to conduct investigations,
23 issue citations, enforce and collect judgments by
24 certain means, and partner with other entities for
25 enforcement and education outreach; providing for

26 | injunctive relief under certain circumstances;
 27 | providing a process for review of a citation, levy, or
 28 | stop-order issued by the division; authorizing an
 29 | aggrieved person to file a civil action; providing
 30 | penalties; tolling the statute of limitations during
 31 | an investigation; providing liability; requiring
 32 | certain records be maintained for a specified length
 33 | of time; creating s. 448.112, F.S.; creating the
 34 | Division of Labor Standards Community Advisory Board
 35 | within the Division of Labor Standards; providing for
 36 | membership, meetings, and duties of the advisory
 37 | board; requiring an annual report to the director of
 38 | the Division of Labor Standards, the Governor, and the
 39 | Legislature by a specified date; providing for future
 40 | legislative review and repeal of the advisory board;
 41 | providing an effective date.

42 |
 43 | Be It Enacted by the Legislature of the State of Florida:

44 |
 45 | **Section 1. Paragraph (a) of subsection (3) and subsection**
 46 | **(4) of section 20.60, Florida Statutes, are amended to read:**

47 | 20.60 Department of Commerce; creation; powers and
 48 | duties.—

49 | (3) (a) The following divisions and offices of the
 50 | Department of Commerce are established:

- 51 | 1. The Division of Economic Development.
- 52 | 2. The Division of Community Development.
- 53 | 3. The Division of Workforce Services.
- 54 | 4. The Division of Finance and Administration.
- 55 | 5. The Division of Information Technology.
- 56 | 6. The Office of the Secretary.
- 57 | 7. The Office of Economic Accountability and Transparency,
- 58 | which shall:
- 59 | a. Oversee the department's critical objectives as
- 60 | determined by the secretary and make sure that the department's
- 61 | key objectives are clearly communicated to the public.
- 62 | b. Organize department resources, expertise, data, and
- 63 | research to focus on and solve the complex economic challenges
- 64 | facing the state.
- 65 | c. Provide leadership for the department's priority issues
- 66 | that require integration of policy, management, and critical
- 67 | objectives from multiple programs and organizations internal and
- 68 | external to the department; and organize and manage external
- 69 | communication on such priority issues.
- 70 | d. Promote and facilitate key department initiatives to
- 71 | address priority economic issues and explore data and identify
- 72 | opportunities for innovative approaches to address such economic
- 73 | issues.
- 74 | e. Promote strategic planning for the department.
- 75 | 8. The Division of Labor Standards, which shall:

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

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

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

89 d. Partner with communities, businesses, and employees in
90 the state for stakeholder input and collaboration.

91 e. Adopt rules as necessary to carry out the functions and
92 purposes of the division.

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

101 department shall:

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

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

112 (c) Promote viable, sustainable communities by providing
113 technical assistance and guidance on growth and development
114 issues, grants, and other assistance to local communities.

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

119 (e) Manage the activities of public-private partnerships
120 and state agencies in order to avoid duplication and promote
121 coordinated and consistent implementation of programs in areas
122 including, but not limited to, tourism; international trade and
123 investment; business recruitment, creation, retention, and
124 expansion; minority and small business development; defense,
125 space, and aerospace development; rural community development;

126 | and the development and promotion of professional and amateur
127 | sporting events.

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

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

137 | (h) Encourage and oversee the coordination of
138 | international trade development efforts of public institutions,
139 | business associations, economic development councils, and
140 | private industry.

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

148 | (j) Support Florida's defense, space, and aerospace
149 | industries, including research and development, and strengthen
150 | this state's existing leadership in defense, space, and

151 aerospace activity and economic growth.

152 (k) Assist, promote, and enhance economic opportunities
153 for this state's minority-owned businesses and rural and urban
154 communities.

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

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

163 **Section 2. Subsections (2) and (3) of section 448.109,**
164 **Florida Statutes, are amended to read:**

165 448.109 Notification of the state minimum wage.—

166 (2) Each employer who must pay an employee the Florida
167 minimum wage shall prominently display a poster as prescribed in
168 ~~substantially similar to the one made available pursuant to~~
169 subsection (3) in a conspicuous and accessible place in each
170 establishment where such employees are employed.

171 (3) ~~(a)~~ Each year the Division of Labor Standards
172 ~~Department of Commerce~~ shall, on or before December 1, create
173 and make available to employers a poster in English, and in
174 Spanish, and any other languages, as necessary. The poster must:

175 (a) Give notice of all of the following:

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

178 2. The right to be protected from discrimination,
 179 retaliation, and adverse action for exercising in good faith any
 180 right protected under s. 24, Art. X of the State Constitution
 181 and s. 448.110.

182 3. The right to file a complaint with the Division of
 183 Labor Standards or bring a civil action in a court of competent
 184 jurisdiction for a violation of s. 24, Art. X of the State
 185 Constitution or s. 448.110. which reads substantially as
 186 follows:

187 ~~NOTICE TO EMPLOYEES~~

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

192 ~~The rate of the minimum wage is recalculated yearly on September~~
 193 ~~30, based on the Consumer Price Index. Every year on January 1~~
 194 ~~the new Florida minimum wage takes effect.~~

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

- 198 ~~1. File a complaint about an employer's alleged~~
- 199 ~~noncompliance with lawful minimum wage requirements.~~
- 200 ~~2. Inform any person about an employer's alleged~~

~~noncompliance with lawful minimum wage requirements.~~

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

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

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

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

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

(b) ~~The poster must~~ Be at least 8.5 inches by 11 inches
and in a format easily seen by employees. The text in the poster
must be of a conspicuous size. The text in the first line must
be larger than the text of any other line, and the text of the
first sentence must be in bold type and larger than the text in
the remaining lines.

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

448.110 State minimum wage; annual wage adjustment;

226 enforcement.—

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

229 (2) The purpose of this section is to provide measures
230 appropriate for the implementation of s. 24, Art. X of the State
231 Constitution, in accordance with authority granted to the
232 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State
233 Constitution. To implement s. 24, Art. X of the State
234 Constitution, the Division of Labor Standards, a division within
235 the Department of Commerce is designated as the state Agency for
236 Workforce Innovation.

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

238 (a) "Adverse action" means the discharge, suspension,
239 transfer, or demotion of an employee; the withholding of wage,
240 bonuses, benefits, or workable hours; filing, or threatening to
241 file, a false report with a government agency or engaging in
242 unfair immigration-related practices; or any other adverse
243 action taken against an employee within the terms and conditions
244 of employment by an employer.

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

249 1. A business entity with a workforce of 25 or fewer
250 employees, including those hired directly by the client employer

251 and those obtained from or provided by a labor contractor.

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

255 3. This state or a political subdivision of this state.

256 (c) "Director" means the director of the Division of Labor
257 Standards.

258 (d) "Division" means the Division of Labor Standards of
259 the Department of Commerce.

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

263 (f) "Employer" has the same meaning as established under
264 the federal Fair Labor Standards Act and its implementing
265 regulations in effect on July 1, 2025.

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

269 (h) "Labor contractor" means a person or entity that
270 supplies, with or without a contract, a client employer with
271 employees to perform labor within the client employer's usual
272 course of business. The term does not include a bona fide
273 nonprofit, community-based organization that provides services
274 to employees or a labor organization or apprenticeship program
275 operating under a collective bargaining agreement.

276 (i) "Usual course of business" means the regular and
 277 customary work of a business entity performed within or upon the
 278 premises or worksite of the client employer.

279 (4)~~(3)~~ Employers shall pay employees a minimum wage at an
 280 hourly rate of \$6.15 for all hours worked in Florida. Only those
 281 individuals entitled to receive the federal minimum wage under
 282 the federal Fair Labor Standards Act, as amended, and its
 283 implementing regulations shall be eligible to receive the state
 284 minimum wage under ~~pursuant to~~ s. 24, Art. X of the State
 285 Constitution and this section. Sections 213 and 214 ~~The~~
 286 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
 287 Standards Act, as interpreted by applicable federal regulations
 288 and implemented by the Secretary of Labor, are incorporated
 289 herein.

290 (5) (a)~~(4) (a)~~ Beginning September 30, 2005, and annually on
 291 September 30 thereafter, the division ~~department of Commerce~~
 292 shall calculate an adjusted state minimum wage rate by
 293 increasing the state minimum wage by the rate of inflation for
 294 the 12 months prior to September 1. In calculating the adjusted
 295 state minimum wage, the division ~~department of Commerce~~ shall
 296 use the Consumer Price Index for Urban Wage Earners and Clerical
 297 Workers, not seasonally adjusted, for the South Region or a
 298 successor index as calculated by the United States Department of
 299 Labor. Each adjusted state minimum wage rate shall take effect
 300 on the following January 1, with the initial adjusted minimum

301 wage rate to take effect on January 1, 2006.

302 (b) The Department of Revenue and the division ~~department~~
303 ~~of Commerce~~ shall annually publish the amount of the adjusted
304 state minimum wage and the effective date. Publication shall
305 occur by posting the adjusted state minimum wage rate and the
306 effective date on the Internet home pages of the division
307 ~~department of Commerce~~ and the Department of Revenue by October
308 15 of each year. In addition, to the extent funded in the
309 General Appropriations Act, the division ~~department of Commerce~~
310 shall provide written notice of the adjusted rate and the
311 effective date of the adjusted state minimum wage to all
312 employers registered in the most current reemployment assistance
313 database. Such notice shall be mailed by November 15 of each
314 year using the addresses included in the database. Employers are
315 responsible for maintaining current address information in the
316 reemployment assistance database. The division ~~department of~~
317 ~~Commerce~~ is not responsible for failure to provide notice due to
318 incorrect or incomplete address information in the database. The
319 division ~~department of Commerce~~ shall provide the Department of
320 Revenue with the adjusted state minimum wage rate information
321 and effective date in a timely manner.

322 (6) (a) ~~(5)~~ It is ~~shall be~~ unlawful for an employer or any
323 other party to discriminate in any manner or take adverse action
324 against any person in retaliation for exercising rights
325 protected under ~~pursuant to~~ s. 24, Art. X of the State

326 Constitution or this section.

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

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

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

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

341 4. The right to cooperate with any investigation conducted
342 under this section and to testify in any proceeding or action
343 brought under this section.

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

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

349 (c) There is a rebuttable presumption that an employer has
350 violated s. 24, Art. X of the State Constitution or this section

351 if the employer takes adverse action against an employee within
352 90 days after the employee exercises a right under paragraph
353 (b). If an employee is a seasonal worker and his or her work
354 ended before the end of the 90-day period, the rebuttable
355 presumption applies if the employer fails to rehire the seasonal
356 worker in the same position at the next opportunity. The
357 rebuttable presumption may be overcome by clear and convincing
358 evidence.

359 (d) The protections provided under this section apply to
360 any employee who alleges a violation of s. 24, Art. X of the
361 State Constitution or this section in good faith. Any complaint
362 or other communication by an employee alleging a violation of s.
363 24, Art. X of the State Constitution or this section triggers
364 the protections under this section even if the complaint or
365 communication does not specifically reference this section.

366 (e) An employee who believes he or she has been
367 discriminated or retaliated against for exercising a right under
368 s. 24, Art. X of the State Constitution or this section may file
369 a complaint with the division or a civil action in a court of
370 competent jurisdiction within 4 years after the alleged
371 violation or, in the case of a willful violation, within 5 years
372 after the alleged violation.

373 (7) An employer has the burden of proving that a person is
374 an independent contractor and not an employee. A person who
375 receives remuneration for services provided is considered an

376 employee unless the employer proves:

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

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

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

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

384 (a) To misclassify an employee as an independent
385 contractor; or

386 (b) For a person or an entity to enter into a contract or
387 an agreement with an independent contractor for labor or
388 services if the person or entity knows or should know that the
389 contract or agreement does not include funds sufficient to allow
390 the independent contractor to comply with all applicable local,
391 state, and federal laws or regulations governing the labor or
392 services to be provided.

393 (9) (a) The division may commence investigations, actions,
394 and proceedings necessary to enforce this section. The division
395 has the sole discretion whether to investigate an employer to
396 determine if a violation of s. 24, Art. X of the State
397 Constitution or this section has occurred.

398 (b) In order to encourage a person or organization to
399 report a suspected violation of s. 24, Art. X of the State
400 Constitution or this section, the division:

401 1. Must keep the name and other identifying information
402 about the reporter confidential to the extent permitted by law.
403 The division may disclose the reporter's name or identification
404 with the written consent of the reporter.

405 2. Must provide a notice form to an employer being
406 investigated, which must be posted in a conspicuous and
407 accessible location at the workplace, notifying the employees
408 that the division is conducting an investigation under this
409 section. The notice form must be in English and any other
410 language that is the primary language of a majority of the
411 employees in the workplace. If display of the notice form is not
412 feasible, the employer must provide it to each employee through
413 electronic means and also provide each employee a physical copy
414 of the notice form.

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

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

421 1. Enter and inspect the workplace.

422 2. Inspect and make copies of papers, books, accounts,
423 records, payroll, and other documents necessary to further its
424 investigation.

425 3. Question witnesses under oath and in a private

426 location.

427 4. Issue subpoenas to compel the attendance and testimony
428 of witnesses and the production of papers, books, accounts,
429 records, payroll, and other documents necessary to further its
430 investigation.

431 5. Take depositions and affidavits.

432 6. Investigate any facts, conditions, practices, or
433 matters as the division deems appropriate to determine whether a
434 violation of s. 24, Art. X of the State Constitution or this
435 section has occurred.

436 (b) If an employer fails to comply with a lawfully issued
437 subpoena or if a witness refuses to testify or be questioned,
438 the division may request that the court compel compliance by
439 initiating a proceeding for contempt. The court shall take
440 judicial notice under s. 90.202(13) of the Department of
441 Commerce's seal, "Department of Commerce-State of Florida," and
442 shall enforce any subpoena issued by the director or his or her
443 representative under such seal.

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

447 (11) (a) During the course of an investigation under this
448 section or if the division reasonably believes that an employer
449 has engaged in, is engaging in, or is about to engage in, a
450 violation of s. 24, Art. X of the State Constitution or this

451 section, the division or the Attorney General may seek
452 injunctive relief to:

453 1. Prohibit the employer from continuing to engage or
454 engaging in the violation or doing any acts in furtherance of
455 the violation.

456 2. Prevent violations or attempted violations of s. 24,
457 Art. X of the State Constitution or this section.

458 3. Attempt to interfere with or impede the enforcement of
459 this section.

460 4. Exercise or perform any power or duty under this
461 section.

462 (b) When determining whether injunctive relief is
463 appropriate, the court shall consider any potential or direct
464 harm to an employee from a violation of s. 24, Art. X of the
465 State Constitution or this section and the chilling effect on
466 other employees attempting to assert their rights under s. 24,
467 Art. X of the State Constitution or this section.

468 (c) A temporary injunction remains in effect until the
469 division issues a citation to the employer or until the
470 completion of an administrative hearing, whichever is longer, or
471 until a time certain set by the court. A temporary injunction
472 does not prohibit an employer from taking adverse action against
473 an employee for conduct unrelated to an alleged violation of s.
474 24, Art. X of the State Constitution or this section.

475 (d) The court may issue a preliminary or permanent

476 injunction if it determines such injunction is just and proper.

477 (12) (a) If a violation of s. 24, Art. X of the State
478 Constitution or this section is found during an investigation
479 and the violation is not remedied through settlement or
480 otherwise, the division must issue a citation to the employer.
481 The citation must be in writing and describe the nature of the
482 violation and include any and all appropriate relief.
483 Appropriate relief includes, but is not limited to, requiring an
484 employer to cease and desist; to take any action necessary to
485 remedy the violation, such as rehiring or reinstating an
486 employee, reimbursing lost wages plus interest, or paying
487 liquidated damages in an amount equal to two times the unpaid
488 wages, or other fines and penalties, including a fine of not
489 more than \$50 for each day a violation continues to exist and
490 for each employee to whom the violation occurred payable to the
491 state or aggrieved employee; to take training classes relating
492 to compliance with this section; or to submit to compliance
493 monitoring by the division. The division shall serve the
494 citation in a manner provided by the Florida Rules of Civil
495 Procedure. The citation must advise the employer of his or her
496 right to an administrative hearing to have the citation
497 reviewed.

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

501 written request for review to the director. Upon receipt of a
502 written request for review, the director shall assign the
503 citation to an administrative law judge to conduct a hearing and
504 issue a written decision. Hearings conducted under this
505 subsection are governed by the division and the rules of
506 practice and procedure adopted by the division.

507 (c) An administrative hearing must commence within 90 days
508 after receipt of a timely submitted request for review. The
509 administrative law judge must render a written decision within
510 90 days after the conclusion of the hearing. The written
511 decision must include a statement of findings, conclusions of
512 law, and a recommended order that specifies all appropriate
513 relief as authorized under paragraph (a), including the amount
514 required for an appeal bond should the employer choose to obtain
515 review of the recommended order issued under this paragraph. The
516 decision must be served on all parties in a manner provided by
517 the Florida Rules of Civil Procedure. If the recommended order
518 includes a monetary remedy, the amount is due 45 days after the
519 written decision is properly served on the employer.

520 (d)1. An employer may obtain review of the written
521 decision and recommended order issued under paragraph (c) by
522 filing a petition for a writ of mandamus to a court having
523 jurisdiction within 45 days after the written decision is
524 properly served on the employer. If a petition for a writ of
525 mandamus is not filed within the appropriate time, the

526 recommended order in the written decision becomes final.

527 2. Before an employer may obtain review of the written
528 decision or recommended order, he or she must post an appeal
529 bond, in the amount specified in the recommended order, issued
530 by a licensed surety or as a cash deposit with the court. The
531 employer shall provide written notice to the division and any
532 other parties of the posting of the appeal bond.

533 3. A court may overturn a written decision based on abuse
534 of discretion. An employer establishes an abuse of discretion if
535 he or she alleges that the findings are not supported by the
536 evidence and the court determines that the findings are not
537 supported by substantial evidence when looking at the entire
538 record.

539 4. If the court issues an order in favor of the aggrieved
540 party or if the appeal is withdrawn or dismissed without entry
541 of judgment, the employer is liable for the relief specified in
542 the written decision from the administrative hearing, unless the
543 parties execute a settlement agreement, in which case the
544 employer is liable for the relief specified in the settlement
545 agreement. If the written decision from the administrative
546 hearing or the settlement agreement provide for monetary relief,
547 and the employer fails to pay the amount owed within 10 days
548 after entry of an order, dismissal or withdrawal of the appeal,
549 or the execution of a settlement agreement, a portion of the
550 appeal bond equal to the amount owed, or the entire appeal bond

551 if the amount owed exceeds the amount of the bond, must be paid
552 to the aggrieved party.

553 5. If the employer does not request review of the citation
554 under paragraph (b), file a writ of mandamus under subparagraph
555 1., or post the appeal bond as required in subparagraph 2., and
556 the time to do so has expired, or if the petition for a writ of
557 mandamus is dismissed or withdrawn without entry of judgment,
558 the clerk of the court must certify a copy of the citation or
559 written decision and recommended order issued by the division or
560 by the administrative law judge, respectively, and enter
561 judgment for the state or aggrieved party. The judgment has the
562 same force and effect as a judgment entered in a civil action
563 and may be enforced in the same manner as any other judgment of
564 the court. The court shall give priority to petitions to enforce
565 a judgment entered under this section.

566 6. If an employer fails to comply with a citation or final
567 order, whether issued by the division, administrative law judge,
568 or court, and has exhausted all reviews or appeals or the time
569 to file a review or appeal has expired, the division or the
570 Attorney General may commence and prosecute a civil action to
571 recover unpaid wages, including interest, fines, or penalties;
572 equitable relief; and liquidated damages owed to an aggrieved
573 person. The prevailing party is entitled to applicable fines or
574 civil penalties and reasonable attorney fees and costs.

575 (13) (a) A person aggrieved by a violation of s. 24, Art. X

576 of the State Constitution or this section may bring a civil
577 action in a court of competent jurisdiction.

578 ~~(6) (a) Any person aggrieved by a violation of this section~~
579 ~~may bring a civil action in a court of competent jurisdiction~~
580 ~~against an employer violating this section or a party violating~~
581 ~~subsection (5). However, prior to bringing any claim for unpaid~~
582 ~~minimum wages pursuant to this section, the person aggrieved~~
583 ~~shall notify the employer alleged to have violated this section,~~
584 ~~in writing, of an intent to initiate such an action. The notice~~
585 ~~must identify the minimum wage to which the person aggrieved~~
586 ~~claims entitlement, the actual or estimated work dates and hours~~
587 ~~for which payment is sought, and the total amount of alleged~~
588 ~~unpaid wages through the date of the notice.~~

589 ~~(b) The employer shall have 15 calendar days after receipt~~
590 ~~of the notice to pay the total amount of unpaid wages or~~
591 ~~otherwise resolve the claim to the satisfaction of the person~~
592 ~~aggrieved. The statute of limitations for bringing an action~~
593 ~~pursuant to this section shall be tolled during this 15-day~~
594 ~~period. If the employer fails to pay the total amount of unpaid~~
595 ~~wages or otherwise resolve the claim to the satisfaction of the~~
596 ~~person aggrieved, then the person aggrieved may bring a claim~~
597 ~~for unpaid minimum wages, the terms of which must be consistent~~
598 ~~with the contents of the notice.~~

599 ~~(c)1. Upon prevailing in a civil an action brought under~~
600 paragraph (6) (e) pursuant to this section, aggrieved persons

601 shall recover the full amount of any unpaid back wages, plus
602 interest, unlawfully withheld plus up to two times the unpaid
603 wages ~~the same amount~~ as liquidated damages and shall be awarded
604 reasonable attorney ~~attorney's~~ fees and costs. Additionally, ~~As~~
605 ~~provided under the federal Fair Labor Standards Act, pursuant to~~
606 ~~s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if~~
607 ~~the employer proves by a preponderance of the evidence that the~~
608 ~~act or omission giving rise to such action was in good faith and~~
609 ~~that the employer had reasonable grounds for believing that his~~
610 ~~or her act or omission was not a violation of s. 24, Art. X of~~
611 ~~the State Constitution, the court may, in its sound discretion,~~
612 ~~award no liquidated damages or award any amount thereof not to~~
613 ~~exceed an amount equal to the amount of unpaid minimum wages.~~
614 ~~The court shall not award any economic damages on a claim for~~
615 ~~unpaid minimum wages not expressly authorized in this section.~~

616 ~~2. Upon prevailing in an action brought pursuant to this~~
617 ~~section,~~ aggrieved persons are ~~shall also be~~ entitled to such
618 legal or equitable relief as may be appropriate to remedy the
619 violation, including, without limitation, reinstatement in
620 employment and injunctive relief. However, any entitlement to
621 legal or equitable relief in an action brought under s. 24, Art.
622 X of the State Constitution or this section may ~~shall~~ not
623 include punitive damages.

624 (b) In addition to any other remedies or penalties
625 authorized by law, if an employer is found to have willfully

626 violated s. 24, Art. X of the State Constitution or this
627 section, the division, administrative law judge, or court may
628 impose a fine of \$1,000 per violation payable to this state.

629 (c) In addition to any other remedies or penalties
630 authorized by law, any employer or other person found to have
631 hindered, prevented, impeded, or interfered with the division or
632 administrative hearing body in the performance of their duties
633 is subject to a civil penalty of not less than \$1,000 and not
634 more than \$5,000, which may be assessed by the division,
635 administrative law judge, or court.

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

640 1. The division, administrative law judge, or court may
641 order reinstatement of the aggrieved party, front pay in lieu of
642 reinstatement, backpay, liquidated damages up to two times the
643 amount of the unpaid wages, and other compensatory damages as
644 appropriate.

645 2. The division, administrative law judge, or court may
646 impose on the employer an administrative penalty, not to exceed
647 \$5,000, payable to the aggrieved party.

648 (e) In addition to any other remedies or penalties
649 authorized by law, if the division, administrative law judge, or
650 court finds that an employer or entity violated subsection (8),

651 the division, administrative law judge, or court may impose on
652 the employer or entity the following:

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

656 2. A civil penalty up to \$5,000 per violation, payable to
657 this state.

658 (f)(d) Any civil action brought under s. 24, Art. X of the
659 State Constitution and this section is ~~shall be~~ subject to s.
660 768.79.

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

667 (14)(8) The statute of limitations for an action brought
668 under pursuant to this section is ~~shall be~~ for the period of
669 time specified in s. 95.11 beginning on the date the alleged
670 violation occurred. The statute of limitations applicable to an
671 action under this section is tolled during the division's
672 investigation and any administrative enforcement under this
673 section.

674 (15)(9) Actions brought under pursuant to this section may
675 be brought as a class action pursuant to Rule 1.220, Florida

676 Rules of Civil Procedure. In any class action brought under
677 ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove, by a
678 preponderance of the evidence, the individual identity of each
679 class member and the individual damages of each class member.

680 ~~(16)-(10)~~ This section is ~~shall constitute~~ the exclusive
681 remedy under state law for violations of s. 24, Art. X of the
682 State Constitution.

683 (17) The division shall make reasonable efforts to ensure
684 that judgments against an employer are satisfied and may use any
685 remedy that is available to a judgment creditor to collect an
686 unsatisfied judgment. The division may collect wages, damages,
687 and other monetary remedies on behalf of an employee. The
688 division acts as the trustee of any unsatisfied judgment it
689 collects and shall deposit such wages, damages, or other
690 monetary remedy in the appropriate fund as provided by rule. The
691 division shall conduct a diligent search for any employee for
692 whom it collects an unsatisfied judgment.

693 (18) (a) Beginning on the 20th day after a judgment is
694 entered by the clerk of the court under paragraph (12) (d) or
695 otherwise by a court of competent jurisdiction in favor of this
696 state or the aggrieved party, the division may issue a notice of
697 levy on all persons having in their possession or under their
698 control any credits, money, or property belonging to the
699 judgment debtor. If the levy is made on credits, money, or
700 property in the possession or under the control of a bank,

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

706 (b) Any person who receives a notice of levy shall
707 surrender the credits, money, or property to the division or pay
708 to the division the amount of any debt owed within 10 days after
709 service of the levy. Any person who surrenders to the division
710 any credits, money, or property of the judgment debtor is
711 discharged from any obligation or liability to the judgment
712 debtor relating to the amount paid to the division.

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

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

722 (e) The division may create a lien on any real or personal
723 property of an employer found in violation of s. 24, Art. X of
724 the State Constitution or this section. The division must
725 release the lien upon final satisfaction of any judgment entered

726 in favor of an aggrieved party or the division, or upon
727 adjudication of the claim in favor of the employer. A lien
728 created under this paragraph lasts 10 years after the date it is
729 created unless the lien is satisfied or released. A lien created
730 under this paragraph is in addition to any other rights
731 available to an aggrieved party or the division.

732 (19) (a) If a citation issued by the division, written
733 decision and order issued by an administrative law judge, or
734 final judgment awarded under this section remains unsatisfied 30
735 days after all reviews and appeals have been exhausted or the
736 time to request a review or file an appeal has expired, the
737 division may issue a stop-order prohibiting the employer from
738 conducting business in this state using employee labor,
739 including conducting business using the labor of another
740 business, contractor, or subcontractor instead of the labor of
741 an employee, until the judgment is satisfied. The stop-order is
742 effective upon receipt of the order and the employer must pay
743 employees up to 10 days of lost wages due to the stop-order.

744 (b) An employer may appeal the stop-order by filing,
745 within 20 days after receipt of the stop-order, a written
746 request with the division for an administrative hearing. The
747 hearing must be held within 5 days after receipt of the written
748 request, at which time the stop-order must be affirmed or
749 dismissed and the division shall mail a written notice of
750 findings by United States mail to all parties within 24 hours

751 after the conclusion of the hearing. A party may appeal the
752 written notice of findings to a court of competent jurisdiction
753 within 45 days after the notice is mailed. The division may seek
754 injunctive or other appropriate relief to enforce the stop-order
755 and is entitled to attorney fees and costs if the division
756 prevails.

757 (c) An employer, owner, director, officer, or managing
758 agent of an employer who fails to comply with a stop-order
759 issued under this subsection is guilty of a misdemeanor of the
760 second degree, punishable as provided in s. 775.082 or s.
761 775.083.

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

765 (20) If a citation issued by the division, written
766 decision and order issued by an administrative law judge, or
767 final judgment awarded under this section remains unsatisfied 30
768 days after all reviews or appeals have been exhausted or the
769 time to request a review or file an appeal has expired, the
770 division may request that the appropriate state agency, and the
771 state agency is authorized to, deny, suspend, or revoke any
772 license held by the employer until such time as the judgment is
773 satisfied.

774 (21) Any person acting on behalf of an employer may be
775 held liable as the employer for a violation of s. 24, Art. X of

776 the State Constitution or this section. A client employer is
777 jointly and severally liable with a labor contractor for the
778 payment of unpaid wages, interest, liquidated damages, fines, or
779 penalties awarded under this section.

780 (22) All employers, client employers, and labor
781 contractors shall create records documenting compliance with s.
782 24, Art. X of the State Constitution and this section in
783 accordance with division rules. Records must be maintained for a
784 minimum of 5 years after an employee leaves the employment of
785 the employer or client employer, or is no longer working with a
786 labor contractor. An employer, a client employer, or a labor
787 contractor must allow the division reasonable access to the
788 records when requested. If an employee, or other authorized
789 person or entity, alleges a violation of s. 24, Art. X of the
790 State Constitution or this section and the employer, client
791 employer, or labor contractor has not created and maintained
792 records as required under this subsection, there is a rebuttable
793 presumption that the employer, client employer, or labor
794 contractor is in violation of the law. The employer, client
795 employer, or labor contractor can overcome this presumption with
796 clear and convincing evidence.

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

800 (24) Subject to appropriation of funds by the Legislature,

801 the division shall establish and maintain an outreach and
802 education partnership program to promote awareness of, and
803 compliance with, s. 24, Art. X of the State Constitution and
804 this section. The division shall pursue partnerships with
805 community-based organizations and unions through a competitive
806 request for proposals. Duties of the outreach and education
807 partnership program may include:

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

810 (b) Conducting educational training for employers about
811 their obligations.

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

815 (d) Assisting the division in conducting investigations
816 under this section, including the collection of evidence and
817 enforcement of a judgment.

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

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

822 (g) Producing and disseminating training materials to
823 employers and employees.

824 (25)-(11)- Except for calculating the adjusted state minimum
825 wage and publishing the initial state minimum wage and any

826 annual adjustments thereto, the authority of the division
827 ~~department of Commerce~~ in implementing s. 24, Art. X of the
828 State Constitution, pursuant to this section, is shall be
829 limited to that authority expressly granted by the Legislature.

830 **Section 4. Section 448.112, Florida Statutes, is created**
831 **to read:**

832 448.112 Division of Labor Standards Community Advisory
833 Board.—The Division of Labor Standards Community Advisory Board,
834 an advisory council as defined in s. 20.03(7), is established
835 within the Division of Labor Standards.

836 (1) The advisory board shall consist of the following
837 members who must be approved by the director of the Division of
838 Labor Standards:

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

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

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

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

843 (e) A representative from a small business as defined in
844 s. 288.703.

845 (f) Four representatives from labor organizations as
846 defined in s. 447.02(1) throughout this state.

847 (2) Members of the advisory board shall be appointed for
848 2-year terms, which shall be staggered.

849 (3) Members of the advisory board shall serve without
850 compensation and are not entitled to receive reimbursement for

851 per diem or travel expenses.

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

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

861 (6) By January 1, 2026, and annually thereafter, the
862 director of the Division of Labor Standards shall submit the
863 annual report to the Governor, the President of the Senate, and
864 the Speaker of the House of Representatives.

865 (7) In accordance with s. 20.052(8), Florida Statutes,
866 this section is repealed October 2, 2028, unless reviewed and
867 saved from repeal through reenactment by the Legislature.

868 **Section 5.** This act shall take effect July 1, 2025.