

By Senator Smith

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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; defining terms; revising the protected
15 rights of an employee; creating a rebuttable
16 presumption and burden of proof for an employer;
17 providing applicability; revising the process for
18 filing a complaint for a violation of protected
19 rights; specifying that certain actions are violations
20 of the state minimum wage law; prohibiting a person or
21 an entity from entering into certain contracts;
22 authorizing and providing the division certain powers
23 to conduct investigations, issue citations, enforce
24 and collect judgments by certain means, and partner
25 with other entities for enforcement and education
26 outreach; prohibiting an employer from introducing at
27 an administrative or civil proceeding any
28 documentation as evidence that was not provided to the
29 division; providing for injunctive relief under

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30 certain circumstances; providing a process for review
31 of a citation, levy, or stop-order issued by the
32 division; authorizing an aggrieved person to file a
33 civil action; providing penalties; tolling the statute
34 of limitations during an investigation; providing
35 liability; requiring all employers, client employers,
36 and labor contractors to create records; requiring
37 that such records be maintained for a specified length
38 of time and be reasonably accessible to the division;
39 authorizing the division to enter into agreements with
40 local, state, or federal agencies to assist in
41 administration and enforcement; requiring the division
42 to establish and maintain an outreach and education
43 partnership program for a specified purpose; providing
44 the duties of the program; creating s. 448.112, F.S.;
45 creating the Division of Labor Standards Community
46 Advisory Board within the Division of Labor Standards;
47 providing for membership, meetings, and duties of the
48 advisory board; requiring the director to submit an
49 annual report to the Governor and the Legislature by a
50 specified date; providing for future legislative
51 review and repeal of the advisory board; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

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56 Section 1. Paragraph (a) of subsection (3) and subsection
57 (4) of section 20.60, Florida Statutes, are amended to read:
58 20.60 Department of Commerce; creation; powers and duties.-

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

- 61 1. The Division of Economic Development.
- 62 2. The Division of Community Development.
- 63 3. The Division of Workforce Services.
- 64 4. The Division of Finance and Administration.
- 65 5. The Division of Information Technology.
- 66 6. The Office of the Secretary.
- 67 7. The Office of Economic Accountability and Transparency,

68 which shall:

69 a. Oversee the department's critical objectives as
70 determined by the secretary and make sure that the department's
71 key objectives are clearly communicated to the public.

72 b. Organize department resources, expertise, data, and
73 research to focus on and solve the complex economic challenges
74 facing the state.

75 c. Provide leadership for the department's priority issues
76 that require integration of policy, management, and critical
77 objectives from multiple programs and organizations internal and
78 external to the department; and organize and manage external
79 communication on such priority issues.

80 d. Promote and facilitate key department initiatives to
81 address priority economic issues and explore data and identify
82 opportunities for innovative approaches to address such economic
83 issues.

84 e. Promote strategic planning for the department.

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

86 a. Administer and enforce s. 24, Art. X of the State
87 Constitution, s. 448.110, and any other statutes and laws, or

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88 parts thereof, over which the division has been granted
89 administrative or enforcement authority by the Legislature.

90 b. Promote compliance with s. 24, Art. X of the State
91 Constitution, s. 448.110, and any other statutes and laws, or
92 parts thereof, over which the division has been granted
93 administrative or enforcement authority by the Legislature
94 through investigative and enforcement actions, local outreach,
95 technical assistance, and training.

96 c. Investigate and ascertain the wages of persons employed
97 in any occupation or place of employment in the state as the
98 division finds necessary and proper.

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

101 e. Adopt rules as necessary to carry out the functions and
102 purposes of the division.

103 (4) The purpose of the department is to assist the Governor
104 in working with the Legislature, state agencies, business
105 leaders, and economic development professionals to formulate and
106 implement coherent and consistent policies and strategies
107 designed to promote economic opportunities for all Floridians.
108 The department is the state's chief agency for business
109 recruitment and expansion, employee protection, and economic
110 development. To accomplish such purposes, the department shall:

111 (a) Facilitate the direct involvement of the Governor and
112 the Lieutenant Governor in economic development and workforce
113 development projects designed to create, expand, and retain
114 businesses in this state; to recruit business from around the
115 world; to promote the state as a pro-business location for new
116 investment; and to facilitate other job-creating efforts.

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117 (b) Recruit new businesses to this state and promote the
118 expansion of existing businesses by expediting permitting and
119 location decisions, worker placement and training, and incentive
120 awards.

121 (c) Promote viable, sustainable communities by providing
122 technical assistance and guidance on growth and development
123 issues, grants, and other assistance to local communities.

124 (d) Ensure that the state's goals and policies relating to
125 economic development, workforce development, community planning
126 and development, and affordable housing are fully integrated
127 with appropriate implementation strategies.

128 (e) Manage the activities of public-private partnerships
129 and state agencies in order to avoid duplication and promote
130 coordinated and consistent implementation of programs in areas
131 including, but not limited to, tourism; international trade and
132 investment; business recruitment, creation, retention, and
133 expansion; minority and small business development; defense,
134 space, and aerospace development; rural community development;
135 and the development and promotion of professional and amateur
136 sporting events.

137 (f) Coordinate with state agencies on the processing of
138 state development approvals or permits to minimize the
139 duplication of information provided by the applicant and the
140 time before approval or disapproval.

141 (g) Contract with the Florida Sports Foundation to guide,
142 stimulate, and promote the sports industry in this state; to
143 promote the participation of residents of this state in amateur
144 athletic competition; and to promote this state as a host for
145 national and international amateur athletic competitions.

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146 (h) Encourage and oversee the coordination of international
147 trade development efforts of public institutions, business
148 associations, economic development councils, and private
149 industry.

150 (i) Contract with the direct-support organization created
151 in s. 288.012, to assist with coordination described in
152 paragraph (h); provide services through State of Florida
153 international offices; and assist in developing and carrying out
154 the 5-year statewide strategic plan as it relates to foreign
155 investment, international partnerships, and other international
156 business and trade development.

157 (j) Support Florida's defense, space, and aerospace
158 industries, including research and development, and strengthen
159 this state's existing leadership in defense, space, and
160 aerospace activity and economic growth.

161 (k) Assist, promote, and enhance economic opportunities for
162 this state's minority-owned businesses and rural and urban
163 communities.

164 (l) Contract with the Florida Tourism Industry Marketing
165 Corporation to execute tourism promotion and marketing services,
166 functions, and programs for the state and advise the department
167 on the development of domestic and international tourism
168 marketing campaigns featuring this state.

169 (m) Support and protect the state's workforce and bolster
170 state revenue by ensuring a fair day's pay for employees and
171 strengthening business through fair competition.

172 Section 2. Subsections (2) and (3) of section 448.109,
173 Florida Statutes, are amended to read:

174 448.109 Notification of the state minimum wage.—

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

180 (3)~~(a)~~ Each year the Division of Labor Standards Department
 181 ~~of Commerce~~ shall, on or before December 1, create and make
 182 available to employers a poster in English, and in Spanish, and
 183 any other language, as necessary. The poster must:

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

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

187 2. The right to be protected from discrimination,
 188 retaliation, and adverse action for exercising in good faith any
 189 right protected under s. 24, Art. X of the State Constitution
 190 and s. 448.110.

191 3. The right to file a complaint with the Division of Labor
 192 Standards or bring a civil action in a court of competent
 193 jurisdiction for a violation of s. 24, Art. X of the State
 194 Constitution or s. 448.110. ~~which reads substantially as~~
 195 follows:

196 ~~NOTICE TO EMPLOYEES~~

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

201 ~~The rate of the minimum wage is recalculated yearly on September~~
 202 ~~30, based on the Consumer Price Index. Every year on January 1~~
 203 ~~the new Florida minimum wage takes effect.~~

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

- 207 ~~1. File a complaint about an employer's alleged noncompliance~~
208 ~~with lawful minimum wage requirements.~~
- 209 ~~2. Inform any person about an employer's alleged noncompliance~~
210 ~~with lawful minimum wage requirements.~~
- 211 ~~3. Inform any person of his or her potential rights under~~
212 ~~Section 24, Article X of the State Constitution and to~~
213 ~~assist him or her in asserting such rights.~~

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

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

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

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

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

232 Section 3. Section 448.110, Florida Statutes, is amended to

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233 read:

234 448.110 State minimum wage; annual wage adjustment;
235 enforcement.—

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

238 (2) The purpose of this section is to provide measures
239 appropriate for the implementation of s. 24, Art. X of the State
240 Constitution, in accordance with authority granted to the
241 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State
242 Constitution. To implement s. 24, Art. X of the State
243 Constitution, the Division of Labor Standards, a division within
244 the Department of Commerce is designated as the state Agency for
245 Workforce Innovation.

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

247 (a) "Adverse action" means the discharge, suspension,
248 transfer, or demotion of an employee; the withholding of wages,
249 bonuses, benefits, or workable hours; filing, or threatening to
250 file, a false report with a government agency or engaging in
251 unfair immigration-related practices; or any other adverse
252 action taken against an employee within the terms and conditions
253 of employment by an employer.

254 (b) "Client employer" means a business entity, regardless
255 of its form, which obtains or is provided employees to perform
256 labor within its usual course of business from a labor
257 contractor. The term does not include:

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

261 2. A business entity with a workforce of five or fewer

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262 employees supplied by a labor contractor to the client employer
263 at any given time.

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

265 (c) "Director" means the director of the Division of Labor
266 Standards.

267 (d) "Division" means the Division of Labor Standards of the
268 Department of Commerce.

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

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

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

278 (h) "Labor contractor" means a person or an entity that,
279 with or without a contract, supplies a client employer with
280 employees to perform labor within the client employer's usual
281 course of business. The term does not include a bona fide
282 nonprofit, community-based organization that provides services
283 to employees or a labor organization or apprenticeship program
284 operating under a collective bargaining agreement.

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

288 (4)~~(3)~~ Employers shall pay employees a minimum wage at an
289 hourly rate of \$6.15 for all hours worked in Florida. Only those
290 individuals entitled to receive the federal minimum wage under

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291 the federal Fair Labor Standards Act, as amended, and its
292 implementing regulations shall be eligible to receive the state
293 minimum wage under ~~pursuant to~~ s. 24, Art. X of the State
294 Constitution and this section. Sections 213 and 214 ~~The~~
295 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
296 Standards Act, as interpreted by applicable federal regulations
297 and implemented by the Secretary of Labor, are incorporated
298 herein.

299 (5) (a) (4) (a) ~~(a)~~ Beginning September 30, 2005, and annually on
300 September 30 thereafter, the division ~~department of Commerce~~
301 shall calculate an adjusted state minimum wage rate by
302 increasing the state minimum wage by the rate of inflation for
303 the 12 months prior to September 1. In calculating the adjusted
304 state minimum wage, the division ~~department of Commerce~~ shall
305 use the Consumer Price Index for Urban Wage Earners and Clerical
306 Workers, not seasonally adjusted, for the South Region or a
307 successor index as calculated by the United States Department of
308 Labor. Each adjusted state minimum wage rate shall take effect
309 on the following January 1, with the initial adjusted minimum
310 wage rate to take effect on January 1, 2006.

311 (b) The Department of Revenue and the division ~~department~~
312 ~~of Commerce~~ shall annually publish the amount of the adjusted
313 state minimum wage and the effective date. Publication shall
314 occur by posting the adjusted state minimum wage rate and the
315 effective date on the Internet home pages of the division
316 ~~department of Commerce~~ and the Department of Revenue by October
317 15 of each year. In addition, to the extent funded in the
318 General Appropriations Act, the division ~~department of Commerce~~
319 shall provide written notice of the adjusted rate and the

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320 effective date of the adjusted state minimum wage to all
321 employers registered in the most current reemployment assistance
322 database. Such notice shall be mailed by November 15 of each
323 year using the addresses included in the database. Employers are
324 responsible for maintaining current address information in the
325 reemployment assistance database. The division ~~department of~~
326 ~~Commerce~~ is not responsible for failure to provide notice due to
327 incorrect or incomplete address information in the database. The
328 division ~~department of Commerce~~ shall provide the Department of
329 Revenue with the adjusted state minimum wage rate information
330 and effective date in a timely manner.

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

336 (b) Rights protected under s. 24, Art. X of the State
337 Constitution and this section include, but are not limited to:
338

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

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

347 3. The right to file a complaint with the division or file
348 a civil action in a court of competent jurisdiction for an
alleged violation of s. 24, Art. X of the State Constitution or

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349 this section.

350 4. The right to cooperate with any investigation conducted
351 under this section and to testify in any proceeding or action
352 brought under this section.

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

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

358 (c) There is a rebuttable presumption that an employer has
359 violated s. 24, Art. X of the State Constitution or this section
360 if the employer takes adverse action against an employee within
361 90 days after the employee exercises a right under paragraph
362 (b). If an employee is a seasonal worker and his or her work
363 ended before the end of the 90-day period, the rebuttable
364 presumption applies if the employer fails to rehire the seasonal
365 worker in the same position at the next opportunity. The
366 rebuttable presumption may be overcome by clear and convincing
367 evidence.

368 (d) The protections provided under this section apply to
369 any employee who alleges a violation of s. 24, Art. X of the
370 State Constitution or this section in good faith. Any complaint
371 or other communication by an employee alleging a violation of s.
372 24, Art. X of the State Constitution or this section triggers
373 the protections under this section even if the complaint or
374 communication does not specifically reference this section.

375 (e) An employee who believes he or she has been
376 discriminated or retaliated against for exercising a right under
377 s. 24, Art. X of the State Constitution or this section may file

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378 a complaint with the division or a civil action in a court of
379 competent jurisdiction within 4 years after the alleged
380 violation or, in the case of a willful violation, within 5 years
381 after the alleged violation.

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

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

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

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

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

393 (a) To misclassify an employee as an independent
394 contractor; or

395 (b) For a person or an entity to enter into a contract or
396 an agreement with an independent contractor for labor or
397 services if the person or entity knows or should know that the
398 contract or agreement does not include funds sufficient to allow
399 the independent contractor to comply with all applicable local,
400 state, and federal laws or regulations governing the labor or
401 services to be provided.

402 (9) (a) The division may commence investigations, actions,
403 and proceedings necessary to enforce this section. The division
404 may, in its sole discretion, investigate an employer to
405 determine whether a violation of s. 24, Art. X of the State
406 Constitution or this section has occurred.

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407 (b) In order to encourage a person or an entity to report a
408 suspected violation of s. 24, Art. X of the State Constitution
409 or this section, the division:

410 1. Shall keep the name and other personal identifying
411 information about the reporter confidential to the extent
412 permitted by law. The division may disclose the reporter's name
413 or identification with the written consent of the reporter.

414 2. Shall provide a notice form to an employer being
415 investigated, which must be posted in a conspicuous and
416 accessible location at the workplace, notifying the employees
417 that the division is conducting an investigation under this
418 section. The notice form must be in English and any other
419 language that is the primary language of a majority of the
420 employees in the workplace. If displaying the notice form is not
421 feasible, the employer must provide a copy to each employee
422 through electronic means and also in printed form.

423 3. May certify the eligibility of a person for a visa under
424 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U), subject to
425 applicable federal law and regulations, and other rules issued
426 by the division.

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

429 1. Enter and inspect the workplace.

430 2. Inspect and make copies of papers, books, accounts,
431 records, payroll, and other documents necessary to further its
432 investigation.

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

434 4. Issue subpoenas to compel the attendance and testimony
435 of witnesses and the production of papers, books, accounts,

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436 records, payroll, and other documents necessary to further its
437 investigation.

438 5. Take depositions and affidavits.

439 6. Investigate any facts, conditions, practices, or matters
440 as the division deems appropriate to determine whether a
441 violation of s. 24, Art. X of the State Constitution or this
442 section has occurred.

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

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

454 (11)(a) During the course of an investigation under this
455 section or if the division reasonably believes that an employer
456 has engaged in, is engaging in, or is about to engage in, a
457 violation of s. 24, Art. X of the State Constitution or this
458 section, the division or the Attorney General may seek
459 injunctive relief to:

460 1. Prohibit the employer from continuing to engage or
461 engaging in the violation or doing any act in furtherance of the
462 violation.

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

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465 3. Prevent any attempt to interfere with or impede the
466 enforcement of this section.

467 4. Exercise or perform any power or duty under this
468 section.

469 (b) When determining whether injunctive relief is
470 appropriate, the court shall consider any potential or direct
471 harm to an employee from a violation of s. 24, Art. X of the
472 State Constitution or this section and the potential chilling
473 effect on other employees attempting to assert their rights
474 under s. 24, Art. X of the State Constitution or this section.

475 (c) A temporary injunction remains in effect until the
476 division issues a citation to the employer or until the
477 completion of an administrative hearing, whichever is longer, or
478 until a time certain set by the court. A temporary injunction
479 does not prohibit an employer from taking adverse action against
480 an employee for conduct unrelated to an alleged violation of s.
481 24, Art. X of the State Constitution or this section.

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

484 (12) (a) If a violation of s. 24, Art. X of the State
485 Constitution or this section is found during an investigation
486 and the violation is not remedied through settlement or
487 otherwise, the division must issue a citation to the employer.
488 The citation must be in writing and describe the nature of the
489 violation and may include appropriate relief. Appropriate relief
490 includes, but is not limited to, requiring an employer to cease
491 and desist; to take any action necessary to remedy the
492 violation, such as rehiring or reinstating an employee,
493 reimbursing lost wages plus interest, or paying liquidated

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494 damages in an amount equal to two times the unpaid wages, or
495 other fines and penalties, including a fine of up to \$50 for
496 each day a violation continues to exist and for each employee to
497 whom the violation occurred, payable to the state or aggrieved
498 employee; to take training classes relating to compliance with
499 this section; or to submit to compliance monitoring by the
500 division. The division shall serve the citation in a manner
501 provided by the Florida Rules of Civil Procedure. The citation
502 must advise the employer of his or her right to an
503 administrative hearing to have the citation reviewed.

504 (b) Within 30 days after service of a citation, an employer
505 must comply with all appropriate relief specified in the
506 citation or may obtain review of the citation by providing a
507 written request for review to the director. Upon receipt of a
508 written request for review, the director shall assign the
509 citation to an administrative law judge to conduct a hearing and
510 issue a written decision. Hearings conducted under this
511 subsection are governed by the division and the rules of
512 practice and procedure adopted by the division.

513 (c) An administrative hearing must commence within 90 days
514 after receipt of a timely submitted request for review. The
515 administrative law judge shall render a written decision within
516 90 days after the conclusion of the hearing. The written
517 decision must include a statement of findings, conclusions of
518 law, and a recommended order that specifies all appropriate
519 relief as authorized under paragraph (a), including the amount
520 required for an appeal bond should the employer choose to obtain
521 review of the recommended order issued under this paragraph. The
522 decision must be served on all parties in a manner provided by

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523 the Florida Rules of Civil Procedure. If the recommended order
524 includes a monetary remedy, the amount is due 45 days after the
525 written decision is properly served on the employer.

526 (d)1. An employer may obtain review of the written decision
527 and recommended order issued under paragraph (c) by filing a
528 petition for a writ of mandamus to a court having jurisdiction
529 within 45 days after the written decision is properly served on
530 the employer. If a petition for a writ of mandamus is not filed
531 within the appropriate time, the recommended order in the
532 written decision becomes final.

533 2. Before an employer may obtain review of the written
534 decision or recommended order, the employer must post an appeal
535 bond, in the amount specified in the recommended order, issued
536 by a licensed surety or as a cash deposit with the court. The
537 employer must provide written notice to the division and any
538 other parties of the posting of the appeal bond.

539 3. A court may overturn a written decision based on abuse
540 of discretion. An employer establishes an abuse of discretion if
541 the employer alleges that the findings are not supported by the
542 evidence and the court determines that the findings are not
543 supported by substantial evidence when looking at the entire
544 record.

545 4. If the court issues an order in favor of the aggrieved
546 party or if the appeal is withdrawn or dismissed without entry
547 of judgment, the employer is liable for the relief specified in
548 the written decision from the administrative hearing, unless the
549 parties execute a settlement agreement, in which case the
550 employer is liable for the relief specified in the settlement
551 agreement. If the written decision from the administrative

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552 hearing or the settlement agreement provides for monetary
553 relief, and the employer fails to pay the amount owed within 10
554 days after entry of an order, dismissal or withdrawal of the
555 appeal, or the execution of a settlement agreement, a portion of
556 the appeal bond equal to the amount owed, or the entire appeal
557 bond if the amount owed exceeds the amount of the bond, must be
558 paid to the aggrieved party.

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

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

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581 (13) (a) A person aggrieved by a violation of s. 24, Art. X
582 of the State Constitution or this section may bring a civil
583 action in a court of competent jurisdiction.

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

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

605 ~~(c)1.~~ Upon prevailing in a civil an action brought under
606 paragraph (6) (e) pursuant to this section, aggrieved persons
607 shall recover the full amount of any unpaid back wages, plus
608 interest, unlawfully withheld plus up to two times the unpaid
609 wages ~~the same amount~~ as liquidated damages and shall be awarded

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610 reasonable attorney ~~attorney's~~ fees and costs. Additionally, ~~As~~
611 ~~provided under the federal Fair Labor Standards Act, pursuant to~~
612 ~~s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if~~
613 ~~the employer proves by a preponderance of the evidence that the~~
614 ~~act or omission giving rise to such action was in good faith and~~
615 ~~that the employer had reasonable grounds for believing that his~~
616 ~~or her act or omission was not a violation of s. 24, Art. X of~~
617 ~~the State Constitution, the court may, in its sound discretion,~~
618 ~~award no liquidated damages or award any amount thereof not to~~
619 ~~exceed an amount equal to the amount of unpaid minimum wages.~~
620 ~~The court shall not award any economic damages on a claim for~~
621 ~~unpaid minimum wages not expressly authorized in this section.~~

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

630 (b) In addition to any other remedies or penalties
631 authorized by law, if an employer is found to have willfully
632 violated s. 24, Art. X of the State Constitution or this
633 section, the division, administrative law judge, or court may
634 impose a fine of \$1,000 per violation payable to the state.

635 (c) In addition to any other remedies or penalties
636 authorized by law, any employer or other person found to have
637 hindered, prevented, impeded, or interfered with the division or
638 administrative hearing body in the performance of their duties

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639 is subject to a civil penalty of no less than \$1,000 and no more
640 than \$5,000, which may be assessed by the division,
641 administrative law judge, or court.

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

646 1. The division, administrative law judge, or court may
647 order reinstatement of the aggrieved party, front pay in lieu of
648 reinstatement, backpay, liquidated damages up to two times the
649 amount of the unpaid wages, and other compensatory damages as
650 appropriate.

651 2. The division, administrative law judge, or court may
652 impose on the employer an administrative penalty, not to exceed
653 \$5,000, payable to the aggrieved party.

654 (e) In addition to any other remedies or penalties
655 authorized by law, if the division, administrative law judge, or
656 court finds that an employer or entity violated subsection (8),
657 the division, administrative law judge, or court may impose on
658 the employer or entity the following:

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

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

664 (f)~~(d)~~ Any civil action brought under s. 24, Art. X of the
665 State Constitution and this section is ~~shall be~~ subject to s.
666 768.79.

667 ~~(7) The Attorney General may bring a civil action to~~

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668 ~~enforce this section. The Attorney General may seek injunctive~~
669 ~~relief. In addition to injunctive relief, or in lieu thereof,~~
670 ~~for any employer or other person found to have willfully~~
671 ~~violated this section, the Attorney General may seek to impose a~~
672 ~~fine of \$1,000 per violation, payable to the state.~~

673 ~~(14)(8)~~ The statute of limitations for an action brought
674 under pursuant to this section is shall be for the period of
675 time specified in s. 95.11 beginning on the date the alleged
676 violation occurred. The statute of limitations applicable to an
677 action under this section is tolled during the division's
678 investigation and any administrative enforcement under this
679 section.

680 ~~(15)(9)~~ Actions brought under pursuant to this section may
681 be brought as a class action pursuant to Rule 1.220, Florida
682 Rules of Civil Procedure. In any class action brought under
683 pursuant to this section, the plaintiffs must shall prove, by a
684 preponderance of the evidence, the individual identity of each
685 class member and the individual damages of each class member.

686 ~~(16)(10)~~ This section is shall constitute the exclusive
687 remedy under state law for violations of s. 24, Art. X of the
688 State Constitution.

689 ~~(17)~~ The division shall make reasonable efforts to ensure
690 that judgments against an employer are satisfied and may use any
691 remedy that is available to a judgment creditor to collect an
692 unsatisfied judgment. The division may collect wages, damages,
693 and other monetary remedies on behalf of an employee. The
694 division acts as the trustee of any unsatisfied judgment it
695 collects and shall deposit such wages, damages, or other
696 monetary remedy in the appropriate fund as provided by rule. The

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697 division shall conduct a diligent search for any employee for
698 whom it collects an unsatisfied judgment.

699 (18) (a) Beginning on the 20th day after a judgment is
700 entered by the clerk of the court under paragraph (12) (d) or
701 otherwise by a court of competent jurisdiction in favor of this
702 state or the aggrieved party, the division may issue a notice of
703 levy on all persons having in their possession or under their
704 control any credits, money, or property belonging to the
705 judgment debtor. If the levy is made on credits, money, or
706 property in the possession or under the control of a bank,
707 savings and loan association, or other financial institution as
708 defined in 42 U.S.C. s. 669a(d) (1), the notice of levy may be
709 mailed or hand-delivered to a centralized location designated by
710 the bank, savings and loan association, or other financial
711 institution.

712 (b) Any person who receives a notice of levy shall
713 surrender the credits, money, or property to the division or pay
714 to the division the amount of any debt owed within 10 days after
715 service of the levy. Any person who surrenders to the division
716 any credits, money, or property of the judgment debtor is
717 discharged from any obligation or liability to the judgment
718 debtor relating to the amount paid to the division.

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

723 (d) Any fees, commissions, expenses, or costs associated
724 with the sale of property levied under this subsection are the
725 obligation of the judgment debtor and may be collected by virtue

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726 of the levy or in any other manner as though the fees,
727 commissions, expenses, or costs were part of the judgment.

728 (e) The division may create a lien on any real or personal
729 property of an employer found in violation of s. 24, Art. X of
730 the State Constitution or this section. The division shall
731 release the lien upon final satisfaction of any judgment entered
732 in favor of an aggrieved party or the division, or upon
733 adjudication of the claim in favor of the employer. A lien
734 created under this paragraph lasts 10 years after the date it is
735 created unless the lien is satisfied or released. A lien created
736 under this paragraph is in addition to any other rights
737 available to an aggrieved party or the division.

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

750 (b) An employer may appeal the stop-order by filing, within
751 20 days after receipt of the stop-order, a written request with
752 the division for an administrative hearing. The hearing must be
753 held within 5 days after receipt of the written request, at
754 which time the stop-order must be affirmed or dismissed, and the

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755 division shall mail a written notice of findings by United
756 States mail to all parties within 24 hours after the conclusion
757 of the hearing. A party may appeal the written notice of
758 findings to a court of competent jurisdiction within 45 days
759 after the notice is mailed. The division may seek injunctive or
760 other appropriate relief to enforce the stop-order and is
761 entitled to attorney fees and costs if the division prevails.

762 (c) An employer, an owner, a director, an officer, or a
763 managing agent of an employer who fails to comply with a stop-
764 order issued under this subsection commits a misdemeanor of the
765 second degree, punishable as provided in s. 775.082 or s.
766 775.083.

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

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

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

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

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

804 (24) Subject to appropriation of funds by the Legislature,
805 the division shall establish and maintain an outreach and
806 education partnership program to promote awareness of, and
807 compliance with, s. 24, Art. X of the State Constitution and
808 this section. The division shall pursue partnerships with
809 community-based organizations and unions through a competitive
810 request for proposals. Duties of the outreach and education
811 partnership program may include:

812 (a) Disseminating information and conducting outreach and

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813 training to educate employees about their rights.

814 (b) Conducting educational training for employers about
815 their obligations.

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

818 (d) Assisting the division in conducting investigations
819 under this section, including the collection of evidence and
820 enforcement of a judgment.

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

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

825 (g) Producing and disseminating training materials to
826 employers and employees.

827 (25)(11) Except for calculating the adjusted state minimum
828 wage and publishing the initial state minimum wage and any
829 annual adjustments thereto, the authority of the division
830 ~~department of Commerce~~ in implementing s. 24, Art. X of the
831 State Constitution, pursuant to this section, is shall be
832 limited to that authority expressly granted by the Legislature.

833 Section 4. Section 448.112, Florida Statutes, is created to
834 read:

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

839 (1) The advisory board shall be composed of the following
840 members who must be approved by the director of the Division of
841 Labor Standards:

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- 842 (a) A representative from the Division of Labor Standards.
843 (b) A representative from the Department of Commerce.
844 (c) A representative from the Department of Education.
845 (d) A representative from the Florida Chamber of Commerce.
846 (e) A representative from a small business as defined in s.
847 288.703.
848 (f) Four representatives from labor organizations as
849 defined in s. 447.02(1) throughout this state.
850 (2) Members of the advisory board shall be appointed for 2-
851 year terms, which must be staggered.
852 (3) Members of the advisory board shall serve without
853 compensation and are not entitled to receive reimbursement for
854 per diem or travel expenses.
855 (4) The advisory board shall meet at least three times a
856 year in order to review reports and projects of the Division of
857 Labor Standards. Meetings of the advisory board must be open to
858 the public and provide the opportunity for public comment.
859 (5) The advisory board shall submit an annual report to the
860 director of the Division of Labor Standards recommending changes
861 to existing state policies and programs to ensure employee
862 safety and equity, with particular emphasis on racial equity and
863 low-wage and migrant workers.
864 (6) By January 1, 2026, and annually thereafter, the
865 director of the Division of Labor Standards shall submit the
866 annual report to the Governor, the President of the Senate, and
867 the Speaker of the House of Representatives.
868 (7) In accordance with s. 20.052(8), this section is
869 repealed October 2, 2028, unless reviewed and saved from repeal
870 through reenactment by the Legislature.

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