

1 A bill to be entitled
2 An act relating to labor regulations; amending s.
3 112.3187, F.S.; revising definitions; amending s.
4 448.101, F.S.; revising definitions; defining the term
5 "of the employer"; amending s. 448.102, F.S.; revising
6 the conditions under which an employer may not take
7 retaliatory personnel action against an employee;
8 requiring an employee to provide specified written
9 notice to a supervisor or the employer; requiring an
10 employee to provide the employer a reasonable
11 opportunity to correct an activity, policy, or
12 practice; amending s. 448.103, F.S.; prohibiting an
13 employee from recovering in specified actions unless
14 the employee took certain actions; requiring an
15 employee to prove that an employer's reasons for
16 certain retaliatory personnel action are false;
17 removing the option for a court to award other
18 compensatory damages; amending s. 448.104, F.S.;
19 requiring, rather than authorizing, a court to award
20 attorney fees and costs; providing applicability;
21 amending s. 448.105, F.S.; precluding certain claims
22 under certain circumstances; providing an effective
23 date.

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraphs (c) and (e) of subsection (3) of section 112.3187, Florida Statutes, are amended to read:

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(3) DEFINITIONS.—As used in this act, unless otherwise specified, the following words or terms shall have the meanings indicated:

(c) "Employee" means a person who performs services for, and under the control and direction of, or contracts with, an agency ~~or independent contractor~~ for wages or other remuneration.

(e) "Independent contractor" means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency. A person who is otherwise classified as an employer as defined in s. 448.101 may not be considered an independent contractor for purposes of this section.

Section 2. Subsections (5) and (6) of section 448.101, Florida Statutes, are renumbered as subsections (6) and (7), respectively, subsection (1) and present subsection (5) are amended, and a new subsection (5) is added to that section, to read:

448.101 Definitions.—As used in ss. 448.101-448.105, the

51 term:

52 (1) "Appropriate governmental agency" means any agency of
 53 government charged with the enforcement of laws, rules, or
 54 regulations governing an activity, policy, or practice of an
 55 employer to which an employee objected, in which an employee
 56 refused to participate, or about which an employee testified,
 57 provided information, made a disclosure, or threatened to make a
 58 disclosure.

59 (5) "Of the employer," when used in reference to an actual
 60 or proposed activity, policy, practice, or proposal, does not
 61 include an activity, policy, practice, or proposal of or by one
 62 or more employees acting outside the course and scope of their
 63 employment or which is contrary to the employer's policies,
 64 practices, or directives.

65 (6)~~(5)~~ "Retaliatory personnel action" means the discharge,
 66 suspension, or demotion by an employer of an employee or any
 67 serious and material change ~~other adverse employment action~~
 68 taken by an employer ~~against an employee~~ in the terms and
 69 conditions of an employee's employment.

70 **Section 3. Section 448.102, Florida Statutes, is amended**
 71 **to read:**

72 448.102 Prohibitions.—

73 (1) An employer may not take any retaliatory personnel
 74 action against an employee because the employee has:

75 (a)~~(1)~~ Disclosed, ~~or threatened to disclose,~~ to any

76 appropriate governmental agency, under oath, in writing, an
77 activity, policy, or practice of the employer which violates
78 ~~that is in violation of~~ a law, rule, or regulation.

79 (b) Threatened to disclose to any appropriate governmental
80 agency, under oath, in writing, an activity, policy, or practice
81 of the employer which violates a law, rule, or regulation, or
82 any proposed activity, policy, or practice of the employer
83 which, if implemented, would violate a law, rule, or regulation
84 ~~However, this subsection does not apply unless the employee has,~~
85 ~~in writing, brought the activity, policy, or practice to the~~
86 ~~attention of a supervisor or the employer and has afforded the~~
87 ~~employer a reasonable opportunity to correct the activity,~~
88 ~~policy, or practice.~~

89 (c)-(2) Provided information to, or testified before, any
90 appropriate governmental agency, person, or entity conducting an
91 investigation, hearing, or inquiry into an alleged violation of
92 a law, rule, or regulation by the employer.

93 (d)-(3) Objected to, or refused to participate in, any
94 activity, policy, or practice of the employer which, at the time
95 of the objection or refusal to participate, is in violation of a
96 law, rule, or regulation, or any proposed activity, policy, or
97 practice of the employer which, if implemented, would violate a
98 law, rule, or regulation.

99 (2) In order to be protected under paragraph (a),
100 paragraph (b), or paragraph (d), the employee must first notify

101 a supervisor or the employer in writing of the activity, policy,
102 or practice and afford the employer a reasonable opportunity to
103 correct the actual or proposed activity, policy, or practice.

104 **Section 4. Paragraph (c) of subsection (1) and paragraph**
105 **(e) of subsection (2) of section 448.103, Florida Statutes, are**
106 **amended to read:**

107 448.103 Employee's remedy; relief.—

108 (1)

109 (c) An employee may not recover in any action claiming a
110 violation of s. 448.102(1)(a), (b), or (d) unless the employee
111 proves that he or she notified a supervisor or the employer in
112 writing about, and afforded the employer a reasonable
113 opportunity to correct, the actual or proposed ~~brought pursuant~~
114 ~~to this subsection if he or she failed to notify the employer~~
115 ~~about the illegal activity, policy, or practice as required by~~
116 s. 448.102(2).

117 (d) An employee may not recover in any action claiming a
118 violation of this act ~~s. 448.102(1) or~~ if the retaliatory
119 personnel action was predicated upon a ground other than the
120 employee's exercise of a right protected by this act. If an
121 employer provides one or more reasons for taking the retaliatory
122 personnel action other than the employee's exercise of a right
123 protected by this act, the employee must prove that each of the
124 employer's reasons is false and that the actual reason is the
125 employee's exercise of a right protected by this act.

126 (2) In any action brought pursuant to subsection (1), the
 127 court may order relief as follows:

128 ~~(c) Any other compensatory damages allowable at law.~~

129 **Section 5. Section 448.104, Florida Statutes, is amended**
 130 **to read:**

131 448.104 Attorney ~~Attorney's~~ fees and costs.—A court shall
 132 ~~may~~ award reasonable attorney ~~attorney's~~ fees, court costs, and
 133 expenses to the prevailing party. Section 768.79 applies to all
 134 claims under this chapter.

135 **Section 6. Section 448.105, Florida Statutes, is amended**
 136 **to read:**

137 448.105 Other statutory remedies ~~Existing rights.~~—If an
 138 employee avails himself or herself to another available
 139 statutory remedy for conduct that violates this chapter, the
 140 remedies under the other law preclude a claim from being brought
 141 under this chapter ~~This act does not diminish the rights,~~
 142 ~~privileges, or remedies of an employee or employer under any~~
 143 ~~other law or rule or under any collective bargaining agreement~~
 144 ~~or employment contract.~~

145 **Section 7.** This act shall take effect July 1, 2025.