

1 A bill to be entitled
2 An act relating to the warehouse distribution centers;
3 creating s. 448.27, F.S.; providing definitions;
4 creating s. 448.275, F.S.; requiring certain employers
5 to establish and administer a safety committee;
6 requiring the employer to select the members of such
7 committee; requiring the safety committee to meet
8 regularly; providing an exception; authorizing the
9 Secretary of the Department of Commerce to issue
10 citations under certain circumstances; creating s.
11 448.28, F.S.; requiring an employer to provide a
12 specified written description to each employee within
13 a specified time period; requiring an employer to take
14 certain actions if there is a change to a quota
15 requirement; providing that an employee is not
16 required to meet quotas under certain circumstances;
17 providing requirements for the time period considered
18 in a quota; requiring an employer to provide certain
19 employees with specified information; authorizing the
20 Department of Commerce to adopt rules; creating s.
21 448.29, F.S.; requiring an employer to establish,
22 maintain, and preserve specified records on each
23 employee; requiring the employer to maintain such
24 records for a specified time period; requiring an
25 employer to make all records available to the

26 secretary upon request; providing construction;
27 creating s. 448.31, F.S.; authorizing certain persons
28 to request specified information from an employer;
29 requiring the employer to provide such records at no
30 cost; specifying the timeframe in which the employer
31 must provide such records; providing construction and
32 applicability; creating s. 448.32, F.S.; prohibiting a
33 person from taking specified adverse personnel action
34 against an employee for exercising certain rights;
35 providing applicability; providing a rebuttable
36 presumption; creating s. 448.33, F.S.; authorizing the
37 secretary to enforce this part; authorizing certain
38 persons to bring an action for a violation of this
39 part; providing for reasonable attorney fees and
40 costs; authorizing the court to grant certain
41 injunctive relief, restitution, and other damages;
42 imposing a penalty for a specified amount; requiring
43 an employer to post a certain notice; creating s.
44 448.335, F.S.; requiring the secretary to open an
45 investigation on an employer under certain
46 circumstances; requiring the employer to hold safety
47 committee meetings for a specified time period;
48 creating s. 448.34, F.S.; requiring the secretary to
49 submit a specified report to the Legislature by a date
50 certain; creating s. 448.35, F.S.; requiring the

51 department to adopt rules; providing an effective
 52 date.

53

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

55

56 **Section 1.** Part III of chapter 448, Florida Statutes,
 57 consisting of ss. 448.27 through 448.35, is created and entitled
 58 the "Warehouse Worker Protection Act."

59 **Section 2. Section 448.27, Florida Statutes, is created to**
 60 **read:**

61 448.27 Definitions.—As used in this part, the term:

62 (1) "Adverse personnel action" means the discharge,
 63 suspension, transfer, or demotion of an employee or the
 64 withholding of bonuses, the reduction in salary or benefits, or
 65 any other adverse action taken against an employee within the
 66 terms and conditions of employment by an employer.

67 (2) "Aggregated work speed data" means information that an
 68 employer has combined or collected together in summary or some
 69 other form such that the data does not identify a specific
 70 employee.

71 (3) "Defined time period" means any unit of time
 72 measurement equal to or less than the duration of an employee's
 73 shift, including, but not limited to, hours, minutes, seconds,
 74 and any fraction thereof.

75 (4) "Department" means the Department of Commerce.

76 (5) "Designated employee representative" means any
 77 representative designated by an employee, including, but not
 78 limited to, an authorized employee representative or bargaining
 79 agent, who has a collective bargaining relationship with an
 80 employer.

81 (6) "Employee" means a nonexempt employee who works at a
 82 warehouse distribution center and is subject to a quota.

83 (7) "Employer" means a person who directly or indirectly,
 84 or through an agent or any other person, including the services
 85 of a third-party employer, staffing agency, independent
 86 contractor, or other similar entity, at any time in the
 87 preceding 12 months employs, retains, or exercises control over
 88 the wages, hours, or working conditions of at least 100
 89 employees at a single warehouse distribution center or 500 or
 90 more employees at one or more warehouse distribution centers in
 91 this state.

92 (a) The term includes a member of a controlled group of
 93 corporations of which the employer is a member and all such
 94 employers are jointly responsible for compliance with this part.

95 (b) For purposes of this subsection, the term "controlled
 96 group of corporations" means any of the following groups:

97 1. A parent-subsidiary controlled group, which is one or
 98 more chains of corporations connected through stock ownership
 99 with a common parent corporation if:

100 a. Stock possessing at least 50 percent of the total

101 combined voting power of all classes of stock entitled to vote
102 or at least 50 percent of the total value of shares of all
103 classes of stock of each of the corporations, except the common
104 parent corporation, is owned by one or more other corporations.

105 b. The common parent corporation owns stock possessing at
106 least 50 percent of the total combined voting power of all
107 classes of stock entitled to vote or at least 50 percent of the
108 total value of shares of all classes of stock of at least one of
109 the other corporations, excluding, in computing such voting
110 power or value, stock owned directly by such other corporations.

111 2. A brother-sister controlled group, which is two or more
112 corporations in which five or fewer persons who are individuals,
113 estates, or trusts own stock possessing more than 50 percent of
114 the total combined voting power of all classes of stock entitled
115 to vote or more than 50 percent of the total value of shares of
116 all classes of stock of each corporation, taking into account
117 the stock ownership of such person, estate, or trust only to the
118 extent such stock ownership is identical with respect to each
119 corporation.

120 3. A combined group, which is three or more corporations,
121 each of which is a member of a group of corporations described
122 in subparagraph 1. or subparagraph 2., and one of which is a
123 common parent corporation included in a group of corporations
124 described in subparagraph 1. and is included in a group of
125 corporations described in subparagraph 2.

126 (8) "Person" means an individual, corporation,
 127 partnership, limited partnership, limited liability partnership,
 128 limited liability company, business trust, estate, trust,
 129 association, joint venture, agency, instrumentality, or any
 130 other legal or commercial entity, whether domestic or foreign.

131 (9) "Personal work speed data" means information an
 132 employer collects, stores, analyzes, or interprets relating to
 133 the performance of work by an employee for a quota, including,
 134 but not limited to, all of the following information:

135 (a) Quantities of tasks performed by the employee.

136 (b) Quantities of items or materials handled or produced
 137 by the employee.

138 (c) Rate or speed times of tasks performed by the
 139 employee.

140 (d) Measurements or metrics of employee performance in
 141 relation to a quota.

142 (e) Time categorized with respect to the employee as
 143 performing tasks or not performing tasks.

144 (10) "Quota" means a performance standard or performance
 145 target under which:

146 (a) An employee is assigned or required, within a defined
 147 time period, to perform a quantified number of tasks or at a
 148 specified productivity speed or to handle or produce a
 149 quantified amount of material without a certain number of errors
 150 or defects, as measured at the individual or group level, within

151 a defined time period;

152 (b) An employee's actions are categorized and measured
153 between time performing tasks and not performing tasks within a
154 day; or

155 (c) An employee's performance is ranked in relation to the
156 performance of other employees.

157 (11) "Secretary" means the Secretary of the Department of
158 Commerce.

159 (12) "Warehouse distribution center" means an
160 establishment as defined by any of the following North American
161 Industry Classification System codes regardless of how such
162 establishment is denominated:

163 (a) Code 423 for merchant wholesalers and durable goods;

164 (b) Code 424 for merchant wholesalers and nondurable
165 goods;

166 (c) Code 493 for warehousing and storage;

167 (d) Code 454110 for electronic shopping and mail-order
168 houses; or

169 (e) Code 492110 for couriers and express delivery
170 services.

171 **Section 3. Section 448.275, Florida Statutes, is created**
172 **to read:**

173 448.275 Safety committees.—

174 (1) An employer with more than 25 employees must establish
175 and administer a safety committee.

176 (2) An employer with 25 or fewer employees must establish
177 and administer a safety committee if:

178 (a) The employer has a lost workday cases incidence rate
179 in the top 10 percent of all rates for employers in the same
180 industry; or

181 (b) The workers' compensation premium classification
182 assigned to the greatest portion of the payroll for the employer
183 has a pure premium rate as reported by the National Council on
184 Compensation Insurance in the top 25 percent of premium rates
185 for all classes.

186 (3) The employer shall select the members of the safety
187 committee. The safety committee must hold regularly scheduled
188 meetings unless otherwise provided in a collective bargaining
189 agreement.

190 (4) An employer that fails to establish or administer a
191 safety committee as required by this section may be issued a
192 citation by the secretary.

193 **Section 4. Section 448.28, Florida Statutes, is created to**
194 **read:**

195 448.28 Quota requirements; protections.—

196 (1) An employer must provide to each employee, upon hire
197 or within 30 days after July 1, 2025, a written description of
198 all of the following:

199 (a) Each quota to which the employee is subject, including
200 the quantified number of tasks to be performed or materials to

201 be produced or handled, within the defined time period.

202 (b) Any potential adverse personnel action that could
203 result from a failure to meet the quota.

204 (c) Any incentives or bonus programs associated with
205 meeting or exceeding the quota.

206 (2) If there is a change to the quota requirement, the
207 employer must:

208 (a) Notify each employee who the change will affect about
209 the change verbally and in writing as soon as practicable and
210 before the employee is subject to the new quota requirements.

211 (b) Within 2 business days after a change in the quota
212 requirements, provide each employee with an updated written
213 description of each quota to which the employee is subject.

214 (3) The written description required under this section
215 must be easy to understand and written in plain language in each
216 employee's preferred language.

217 (4) An employee is not required to meet a quota that:

218 (a) Has not been previously disclosed to the employee;

219 (b) Prevents compliance with state and federal laws
220 regarding an employee's meal time, rest period, or bathroom
221 breaks;

222 (c) Measures total output over an increment of time that
223 is shorter than 1 day;

224 (d) Ranks employees in relation to the performance of
225 other employees; or

226 (e) Measures and categorizes increments of time within
227 which an employee is performing tasks and those during which an
228 employee is not performing tasks.

229 (5) The defined time period considered in a quota,
230 including time designated as productive time or time on task,
231 must include all of the following:

232 (a) Time for rest periods and reasonable travel time to
233 designated locations for such rest periods.

234 (b) Reasonable travel time to onsite locations designated
235 for meal breaks. Meal breaks are not considered time on task or
236 productive time unless the employer requires the employee to
237 remain on duty on the premises, at a prescribed worksite in the
238 interest of the employer, or if the employee is required to
239 remain on call.

240 (c) Time to perform any activity required by the employer
241 to complete the work subject to the quota.

242 (d) Reasonable travel time to the restroom facilities and
243 time to use such facilities.

244 (e) Time to take any actions necessary for the employee to
245 exercise the employee's right to a safe and healthy workplace
246 pursuant to state or federal law, including, but not limited to,
247 the time it takes to access tools or safety equipment necessary
248 to perform the employee's duties.

249
250 When determining reasonable travel time, an employer must take

251 into consideration the architecture and geography of the
252 warehouse distribution center and the location within such
253 center that the employee is located.

254 (6) If an employer takes an adverse personnel action
255 against an employee, in whole or in part, for failure to meet a
256 quota, the employer must provide such employee with his or her
257 personal quota requirement and personal work speed data that was
258 the basis, in whole or in part, for the adverse personnel
259 action.

260 (7) The department may adopt rules relating to the format
261 and language access requirements for the written description
262 required by this section.

263 **Section 5. Section 448.29, Florida Statutes, is created to**
264 **read:**

265 448.29 Recordkeeping.-

266 (1) Each employer shall establish, maintain, and preserve
267 a contemporaneous, true, and accurate record for each employee
268 that includes all of the following information:

269 (a) Each employee's personal work speed data.

270 (b) The aggregated work speed data for similar employees
271 at the same worksite.

272 (c) The written description of each employee's quota
273 requirements.

274 (2) An employer must maintain the records listed in
275 subsection (1) throughout the duration of each employee's

276 employment and make such records available to any personnel or
277 enforcement agency upon request.

278 (3) After an employee leaves the employment of an
279 employer, the employer must maintain the records listed in
280 subsection (1), for the 6 months before the employee's
281 separation, for a minimum of 3 years after the date of the
282 employee's separation.

283 (4) An employer must make all records available to the
284 secretary upon request.

285 (5) This section does not require an employer to maintain
286 such records if the employer does not use or maintain quotas or
287 monitor or maintain personal work data speed.

288 **Section 6. Section 448.31, Florida Statutes, is created to**
289 **read:**

290 448.31 Right to request records.—

291 (1) A current employee or designated employee
292 representative may request a written description of each quota
293 to which the employee is subject, a copy of the employee's
294 personal work speed data, and a copy of the aggregated work
295 speed data of similar employees at the same worksite from the
296 previous 6 months.

297 (2) A former employee or designated employee
298 representative may request within 3 years after the date of the
299 employee's separation from employment, a written description of
300 each quota to which the employee was subject as of the date of

301 his or her separation, a copy of the employee's personal work
302 speed data for the 6 months before the employee's date of
303 separation, and a copy of aggregated work speed data for the 6
304 months before the employee's date of separation for similar
305 employees at the same worksite.

306 (3) Records requested under this section must be provided
307 at no cost to the current or former employee or designated
308 employee representative.

309 (4) An employer must provide the requested records as soon
310 as practicable, but no later than:

311 (a) For the written description of the employee's quota, 2
312 business days after the employer receives the request for
313 records.

314 (b) For requested personal work speed data and aggregated
315 work speed data, 7 business days after the employer receives the
316 request for records.

317 (5) This section does not require an employer to use
318 quotas or to monitor personal or aggregated work speed data.
319 This section does not apply to employers who do not use quotas
320 or monitor personal or aggregated work speed data.

321 **Section 7. Section 448.32, Florida Statutes, is created to**
322 **read:**

323 448.32 Adverse personnel action.—

324 (1) A person may not discharge or in any way retaliate,
325 discriminate, or take adverse personnel action against an

326 employee for exercising his or her rights under this part,
327 including but not limited to:

328 (a) Initiating a request for information about a quota or
329 personal work speed data pursuant to s. 448.31.

330 (b) Filing a complaint alleging a violation of this part
331 to the secretary; the employer; or any local, state, or federal
332 government agency or official.

333 (2) An employee does not need to explicitly refer to this
334 part or the rights enumerated herein to be protected from an
335 adverse personnel action. The protections of this part apply to
336 former employees and to employees who in good faith allege
337 violations of this part.

338 (3) There is a rebuttable presumption that an employer
339 violated this section if the employer takes any adverse
340 personnel action against an employee within 90 days after the
341 employee engaged in or attempted to engage in activities
342 protected by this part. To rebut this presumption, an employer
343 must prove by clear and convincing evidence that:

344 (a) The adverse personnel action was taken for other
345 permissible reasons.

346 (b) The employee's engagement or attempted engagement in
347 activities protected by this part was not a motivating factor in
348 the adverse personnel action.

349 **Section 8. Section 448.33, Florida Statutes, is created to**
350 **read:**

351 448.33 Enforcement.—

352 (1) The secretary is authorized to enforce this part and
353 assess administrative penalties consistent with state law.

354 (2) A current or former employee, the Attorney General, a
355 district attorney, or a city attorney may bring an action for a
356 violation of this part. The court shall award damages and
357 reasonable attorney fees and costs to the prevailing party.

358 (3) If a current or former employee alleges that the
359 required quota prevented compliance with applicable local,
360 state, or federal workplace or health and safety regulations,
361 the court shall issue injunctive relief to suspend the quota
362 requirements and may grant restitution to the employee.

363 (4) In an action alleging an employer took adverse
364 personnel action against an employee for exercising his or her
365 rights under this part, the court shall award a prevailing
366 plaintiff damages equal to \$10,000 or three times the
367 plaintiff's actual damages, including, but not limited to,
368 unpaid wages and benefits, whichever is more.

369 (5) In a successful action brought against an employer,
370 the court may:

371 (a) Impose a penalty for failure to disclose a quota or
372 personal work speed data in violation of s. 448.28 or s. 448.31.
373 The penalty amount is a minimum of \$100 per employee per pay
374 period in which an employee was required to work under the
375 undisclosed quota or personal work speed data.

376 (b) Require the employer to post a notice on the worksite
377 explaining an employee's rights under this part, including what
378 constitutes a permissible quota; the right to request quota and
379 personal work speed data; the right to file a complaint with the
380 secretary, Attorney General, district attorney, or city
381 attorney; and the right to file a court action.

382 **Section 9. Section 448.335, Florida Statutes, is created**
383 **to read:**

384 448.335 Inspections; safety committee meetings.—

385 (1) If, based on data reported to the Occupational Safety
386 and Health Administration, a particular worksite or employer is
387 found to have an employee incidence rate in a given year that is
388 at least 30 percent higher than that year's average incidence
389 rate for the relevant North American Industry Classification
390 System codes, the secretary must open an investigation into
391 potential violations of this part by the employer.

392 (2) If the secretary opens an investigation into an
393 employer under subsection (1), for the next 2 consecutive years,
394 the employer must hold monthly safety committee meetings until
395 the worksite or employer no longer has an incidence rate that is
396 30 percent higher than the average yearly incidence rate for the
397 relevant North American Industry Classification System codes.

398 **Section 10. Section 448.34, Florida Statutes, is created**
399 **to read:**

400 448.34 Reporting.—By January 1, 2026, the secretary shall

401 submit a report to the President of the Senate and the Speaker
402 of the House of Representatives which includes all of the
403 following information:

404 (1) The number of complaints filed with the secretary for
405 violations of this part.

406 (2) The number of warehouse distribution centers that have
407 an employee injury rate that is above the industry standard for
408 the previous year and any information the secretary has
409 collected about the quota requirements in those warehouse
410 distribution centers.

411 (3) The number of investigations the secretary has
412 conducted and the number of enforcement actions that have been
413 initiated per employer.

414 **Section 11. Section 448.35, Florida Statutes, is created**
415 **to read:**

416 448.35 Rulemaking.—The department shall adopt rules to
417 implement the provisions of this part.

418 **Section 12.** This act shall take effect July 1, 2025.