

By Senator Smith

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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

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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."

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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

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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

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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, partnership,
127 limited partnership, limited liability partnership, limited
128 liability company, business trust, estate, trust, association,
129 joint venture, agency, instrumentality, or any other legal or
130 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 by
137 the employee.

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

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

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

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

145 (a) An employee is assigned or required, within a defined

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

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

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

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

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

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

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

164 (c) Code 493 for warehousing and storage;

165 (d) Code 454110 for electronic shopping and mail-order

166 houses; or

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

168 Section 3. Section 448.275, Florida Statutes, is created to
169 read:

170 448.275 Safety committees.—

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

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

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

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

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

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

190 Section 4. Section 448.28, Florida Statutes, is created to
191 read:

192 448.28 Quota requirements; protections.-

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

196 (a) Each quota to which the employee is subject, including
197 the quantified number of tasks to be performed or materials to
198 be produced or handled, within the defined time period.

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

201 (c) Any incentives or bonus programs associated with
202 meeting or exceeding the quota.

203 (2) If there is a change to the quota requirement, the

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204 employer must:

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

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

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

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

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

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

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

221 (d) Ranks employees in relation to the performance of other
222 employees; or

223 (e) Measures and categorizes increments of time within
224 which an employee is performing tasks and those during which an
225 employee is not performing tasks.

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

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

231 (b) Reasonable travel time to onsite locations designated
232 for meal breaks. Meal breaks are not considered time on task or

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233 productive time unless the employer requires the employee to
234 remain on duty on the premises, at a prescribed worksite in the
235 interest of the employer, or if the employee is required to
236 remain on call.

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

239 (d) Reasonable travel time to the restroom facilities and
240 time to use such facilities.

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

246
247 When determining reasonable travel time, an employer must take
248 into consideration the architecture and geography of the
249 warehouse distribution center and the location within such
250 center that the employee is located.

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

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

260 Section 5. Section 448.29, Florida Statutes, is created to
261 read:

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262 448.29 Recordkeeping.-

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

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

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

269 (c) The written description of each employee's quota
270 requirements.

271 (2) An employer must maintain the records listed in
272 subsection (1) throughout the duration of each employee's
273 employment and make such records available to any personnel or
274 enforcement agency upon request.

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

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

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

284 Section 6. Section 448.31, Florida Statutes, is created to
285 read:

286 448.31 Right to request records.-

287 (1) A current employee or designated employee
288 representative may request a written description of each quota
289 to which the employee is subject, a copy of the employee's
290 personal work speed data, and a copy of the aggregated work

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291 speed data of similar employees at the same worksite from the
292 previous 6 months.

293 (2) A former employee or designated employee representative
294 may request within 3 years after the date of the employee's
295 separation from employment, a written description of each quota
296 to which the employee was subject as of the date of his or her
297 separation, a copy of the employee's personal work speed data
298 for the 6 months before the employee's date of separation, and a
299 copy of aggregated work speed data for the 6 months before the
300 employee's date of separation for similar employees at the same
301 worksite.

302 (3) Records requested under this section must be provided
303 at no cost to the current or former employee or designated
304 employee representative.

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

307 (a) For the written description of the employee's quota, 2
308 business days after the employer receives the request for
309 records.

310 (b) For requested personal work speed data and aggregated
311 work speed data, 7 business days after the employer receives the
312 request for records.

313 (5) This section does not require an employer to use quotas
314 or to monitor personal or aggregated work speed data. This
315 section does not apply to employers who do not use quotas or
316 monitor personal or aggregated work speed data.

317 Section 7. Section 448.32, Florida Statutes, is created to
318 read:

319 448.32 Adverse personnel action.-

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320 (1) A person may not discharge or in any way retaliate,
321 discriminate, or take adverse personnel action against an
322 employee for exercising his or her rights under this part,
323 including but not limited to:

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

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

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

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

340 (a) The adverse personnel action was taken for other
341 permissible reasons.

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

345 Section 8. Section 448.33, Florida Statutes, is created to
346 read:

347 448.33 Enforcement.—

348 (1) The secretary is authorized to enforce this part and

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349 assess administrative penalties consistent with state law.

350 (2) A current or former employee, the Attorney General, a
351 state attorney, or a city attorney may bring an action for a
352 violation of this part. The court shall award damages and
353 reasonable attorney fees and costs to the prevailing party.

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

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

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

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

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

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378 Section 9. Section 448.335, Florida Statutes, is created to
379 read:

380 448.335 Inspections; safety committee meetings.-

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

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

394 Section 10. Section 448.34, Florida Statutes, is created to
395 read:

396 448.34 Reporting.-By January 1, 2026, the secretary shall
397 submit a report to the President of the Senate and the Speaker
398 of the House of Representatives which includes all of the
399 following information:

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

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

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407 (3) The number of investigations the secretary has
408 conducted and the number of enforcement actions that have been
409 initiated per employer.

410 Section 11. Section 448.35, Florida Statutes, is created to
411 read:

412 448.35 Rulemaking.—The department shall adopt rules to
413 implement the provisions of this part.

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