

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Industries & Professional
2 Activities Subcommittee

3 Representative Nixon offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (a) of subsection (3) and subsection**
8 **(4) of section 20.60, Florida Statutes, are amended to read:**

9 20.60 Department of Commerce; creation; powers and
10 duties.—

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

- 13 1. The Division of Economic Development.
- 14 2. The Division of Community Development.
- 15 3. The Division of Workforce Services.
- 16 4. The Division of Finance and Administration.

Amendment No.

- 17 5. The Division of Information Technology.
- 18 6. The Office of the Secretary.
- 19 7. The Office of Economic Accountability and Transparency,
- 20 which shall:
- 21 a. Oversee the department's critical objectives as
- 22 determined by the secretary and make sure that the department's
- 23 key objectives are clearly communicated to the public.
- 24 b. Organize department resources, expertise, data, and
- 25 research to focus on and solve the complex economic challenges
- 26 facing the state.
- 27 c. Provide leadership for the department's priority issues
- 28 that require integration of policy, management, and critical
- 29 objectives from multiple programs and organizations internal and
- 30 external to the department; and organize and manage external
- 31 communication on such priority issues.
- 32 d. Promote and facilitate key department initiatives to
- 33 address priority economic issues and explore data and identify
- 34 opportunities for innovative approaches to address such economic
- 35 issues.
- 36 e. Promote strategic planning for the department.
- 37 8. The Division of Labor Standards, which shall:
- 38 a. Administer and enforce s. 24, Art. X of the State
- 39 Constitution, s. 448.110, and any other statutes and laws, or
- 40 parts thereof, that the division has been granted administrative
- 41 or enforcement authority over by the Legislature.

961279 - amendmentdraft94788.docx

Published On: 3/12/2025 7:14:21 PM

Amendment No.

42 b. Promote compliance with s. 24, Art. X of the State
43 Constitution, s. 448.110, and any other statutes and laws, or
44 parts thereof, that the division has been granted administrative
45 or enforcement authority over by the Legislature through
46 investigative and enforcement actions, local outreach, technical
47 assistance, and training.

48 c. Investigate and ascertain the wages of persons employed
49 in any occupation or place of employment in the state as the
50 division finds necessary and proper.

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

53 e. Adopt rules as necessary to carry out the functions and
54 purposes of the division.

55 (4) The purpose of the department is to assist the
56 Governor in working with the Legislature, state agencies,
57 business leaders, and economic development professionals to
58 formulate and implement coherent and consistent policies and
59 strategies designed to promote economic opportunities for all
60 Floridians. The department is the state's chief agency for
61 business recruitment and expansion, employee protection, and
62 economic development. To accomplish such purposes, the
63 department shall:

64 (a) Facilitate the direct involvement of the Governor and
65 the Lieutenant Governor in economic development and workforce
66 development projects designed to create, expand, and retain

Amendment No.

67 businesses in this state; to recruit business from around the
68 world; to promote the state as a pro-business location for new
69 investment; and to facilitate other job-creating efforts.

70 (b) Recruit new businesses to this state and promote the
71 expansion of existing businesses by expediting permitting and
72 location decisions, worker placement and training, and incentive
73 awards.

74 (c) Promote viable, sustainable communities by providing
75 technical assistance and guidance on growth and development
76 issues, grants, and other assistance to local communities.

77 (d) Ensure that the state's goals and policies relating to
78 economic development, workforce development, community planning
79 and development, and affordable housing are fully integrated
80 with appropriate implementation strategies.

81 (e) Manage the activities of public-private partnerships
82 and state agencies in order to avoid duplication and promote
83 coordinated and consistent implementation of programs in areas
84 including, but not limited to, tourism; international trade and
85 investment; business recruitment, creation, retention, and
86 expansion; minority and small business development; defense,
87 space, and aerospace development; rural community development;
88 and the development and promotion of professional and amateur
89 sporting events.

90 (f) Coordinate with state agencies on the processing of
91 state development approvals or permits to minimize the

Amendment No.

92 duplication of information provided by the applicant and the
93 time before approval or disapproval.

94 (g) Contract with the Florida Sports Foundation to guide,
95 stimulate, and promote the sports industry in this state; to
96 promote the participation of residents of this state in amateur
97 athletic competition; and to promote this state as a host for
98 national and international amateur athletic competitions.

99 (h) Encourage and oversee the coordination of
100 international trade development efforts of public institutions,
101 business associations, economic development councils, and
102 private industry.

103 (i) Contract with the direct-support organization created
104 in s. 288.012, to assist with coordination described in
105 paragraph (h); provide services through State of Florida
106 international offices; and assist in developing and carrying out
107 the 5-year statewide strategic plan as it relates to foreign
108 investment, international partnerships, and other international
109 business and trade development.

110 (j) Support Florida's defense, space, and aerospace
111 industries, including research and development, and strengthen
112 this state's existing leadership in defense, space, and
113 aerospace activity and economic growth.

114 (k) Assist, promote, and enhance economic opportunities
115 for this state's minority-owned businesses and rural and urban
116 communities.

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Published On: 3/12/2025 7:14:21 PM

Amendment No.

117 (1) Contract with the Florida Tourism Industry Marketing
118 Corporation to execute tourism promotion and marketing services,
119 functions, and programs for the state and advise the department
120 on the development of domestic and international tourism
121 marketing campaigns featuring this state.

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

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

127 448.109 Notification of the state minimum wage.—

128 (2) Each employer who must pay an employee the Florida
129 minimum wage shall prominently display a poster as prescribed in
130 substantially similar to the one made available pursuant to
131 subsection (3) in a conspicuous and accessible place in each
132 establishment where such employees are employed.

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

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

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

140 2. The right to be protected from discrimination,
141 retaliation, and adverse action for exercising in good faith any

Amendment No.

142 right protected under s. 24, Art. X of the State Constitution
143 and s. 448.110.

144 3. The right to file a complaint with the Division of
145 Labor Standards or bring a civil action in a court of competent
146 jurisdiction for a violation of s. 24, Art. X of the State
147 Constitution or s. 448.110. which reads substantially as
148 follows:

149 ~~NOTICE TO EMPLOYEES~~

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

154 ~~The rate of the minimum wage is recalculated yearly on September~~
155 ~~30, based on the Consumer Price Index. Every year on January 1~~
156 ~~the new Florida minimum wage takes effect.~~

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

- 160 ~~1. File a complaint about an employer's alleged~~
161 ~~noncompliance with lawful minimum wage requirements.~~
- 162 ~~2. Inform any person about an employer's alleged~~
163 ~~noncompliance with lawful minimum wage requirements.~~
- 164 ~~3. Inform any person of his or her potential rights under~~
165 ~~Section 24, Article X of the State Constitution and to~~
166 ~~assist him or her in asserting such rights.~~

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Published On: 3/12/2025 7:14:21 PM

Amendment No.

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

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

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

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

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

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

187 448.110 State minimum wage; annual wage adjustment;
188 enforcement.—

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

Amendment No.

191 (2) The purpose of this section is to provide measures
192 appropriate for the implementation of s. 24, Art. X of the State
193 Constitution, in accordance with authority granted to the
194 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State
195 Constitution. To implement s. 24, Art. X of the State
196 Constitution, the Division of Labor Standards, a division within
197 the Department of Commerce is designated as the state Agency for
198 Workforce Innovation.

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

200 (a) "Adverse action" means the discharge, suspension,
201 transfer, or demotion of an employee; the withholding of wage,
202 bonuses, benefits, or workable hours; filing, or threatening to
203 file, a false report with a government agency or engaging in
204 unfair immigration-related practices; or any other adverse
205 action taken against an employee within the terms and conditions
206 of employment by an employer.

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

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

Amendment No.

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

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

218 (c) "Director" means the director of the Division of Labor
219 Standards.

220 (d) "Division" means the Division of Labor Standards of
221 the Department of Commerce.

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

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

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

231 (h) "Labor contractor" means a person or entity that
232 supplies, with or without a contract, a client employer with
233 employees to perform labor within the client employer's usual
234 course of business. The term does not include a bona fide
235 nonprofit, community-based organization that provides services
236 to employees or a labor organization or apprenticeship program
237 operating under a collective bargaining agreement.

Amendment No.

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

241 (4) (a) ~~(3)~~ Employers shall pay employees a minimum wage at
242 an hourly rate of \$6.15 for all hours worked in Florida. Only
243 those individuals entitled to receive the federal minimum wage
244 under the federal Fair Labor Standards Act, as amended, and its
245 implementing regulations shall be eligible to receive the state
246 minimum wage ~~under pursuant to~~ s. 24, Art. X of the State
247 Constitution and this section. ~~Sections 213 and 214~~ ~~The~~
248 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
249 Standards Act, as interpreted by applicable federal regulations
250 and implemented by the Secretary of Labor, are incorporated
251 herein.

252 (b) An employer is not subject to the minimum wage
253 requirements of this section for an employee who is in a
254 structured work-study, internship, preapprenticeship, or
255 apprenticeship program or other similar work-based learning
256 opportunity and such employee opts out of receiving the minimum
257 wage. The employee may opt out of receiving the minimum wage by:

258 1. Checking a box on an application form to opt out of the
259 minimum wage requirements; or

260 2. Providing the employer with a written acknowledgment
261 signed by the employee that the employee is opting out of the
262 minimum wage requirements.

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Published On: 3/12/2025 7:14:21 PM

Amendment No.

263 (5) (a) ~~(4) (a)~~ Beginning September 30, 2005, and annually on
264 September 30 thereafter, the division ~~department of Commerce~~
265 shall calculate an adjusted state minimum wage rate by
266 increasing the state minimum wage by the rate of inflation for
267 the 12 months prior to September 1. In calculating the adjusted
268 state minimum wage, the division ~~department of Commerce~~ shall
269 use the Consumer Price Index for Urban Wage Earners and Clerical
270 Workers, not seasonally adjusted, for the South Region or a
271 successor index as calculated by the United States Department of
272 Labor. Each adjusted state minimum wage rate shall take effect
273 on the following January 1, with the initial adjusted minimum
274 wage rate to take effect on January 1, 2006.

275 (b) The Department of Revenue and the division ~~department~~
276 ~~of Commerce~~ shall annually publish the amount of the adjusted
277 state minimum wage and the effective date. Publication shall
278 occur by posting the adjusted state minimum wage rate and the
279 effective date on the Internet home pages of the division
280 ~~department of Commerce~~ and the Department of Revenue by October
281 15 of each year. In addition, to the extent funded in the
282 General Appropriations Act, the division ~~department of Commerce~~
283 shall provide written notice of the adjusted rate and the
284 effective date of the adjusted state minimum wage to all
285 employers registered in the most current reemployment assistance
286 database. Such notice shall be mailed by November 15 of each
287 year using the addresses included in the database. Employers are

Amendment No.

288 responsible for maintaining current address information in the
289 reemployment assistance database. The division ~~department of~~
290 ~~Commerce~~ is not responsible for failure to provide notice due to
291 incorrect or incomplete address information in the database. The
292 division ~~department of Commerce~~ shall provide the Department of
293 Revenue with the adjusted state minimum wage rate information
294 and effective date in a timely manner.

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

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

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

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

310 3. The right to file a complaint with the division or file
311 a civil action in a court of competent jurisdiction for an

Amendment No.

312 alleged violation of s. 24, Art. X of the State Constitution or
313 this section.

314 4. The right to cooperate with any investigation conducted
315 under this section and to testify in any proceeding or action
316 brought under this section.

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

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

322 (c) There is a rebuttable presumption that an employer has
323 violated s. 24, Art. X of the State Constitution or this section
324 if the employer takes adverse action against an employee within
325 90 days after the employee exercises a right under paragraph
326 (b). If an employee is a seasonal worker and his or her work
327 ended before the end of the 90-day period, the rebuttable
328 presumption applies if the employer fails to rehire the seasonal
329 worker in the same position at the next opportunity. The
330 rebuttable presumption may be overcome by clear and convincing
331 evidence.

332 (d) The protections provided under this section apply to
333 any employee who alleges a violation of s. 24, Art. X of the
334 State Constitution or this section in good faith. Any complaint
335 or other communication by an employee alleging a violation of s.
336 24, Art. X of the State Constitution or this section triggers

961279 - amendmentdraft94788.docx

Published On: 3/12/2025 7:14:21 PM

Amendment No.

337 the protections under this section even if the complaint or
338 communication does not specifically reference this section.

339 (e) An employee who believes he or she has been
340 discriminated or retaliated against for exercising a right under
341 s. 24, Art. X of the State Constitution or this section may file
342 a complaint with the division or a civil action in a court of
343 competent jurisdiction within 4 years after the alleged
344 violation or, in the case of a willful violation, within 5 years
345 after the alleged violation.

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

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

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

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

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

357 (a) To misclassify an employee as an independent
358 contractor; or

359 (b) For a person or an entity to enter into a contract or
360 an agreement with an independent contractor for labor or
361 services if the person or entity knows or should know that the

Amendment No.

362 contract or agreement does not include funds sufficient to allow
363 the independent contractor to comply with all applicable local,
364 state, and federal laws or regulations governing the labor or
365 services to be provided.

366 (9) (a) The division may commence investigations, actions,
367 and proceedings necessary to enforce this section. The division
368 has the sole discretion whether to investigate an employer to
369 determine if a violation of s. 24, Art. X of the State
370 Constitution or this section has occurred.

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

374 1. Must keep the name and other identifying information
375 about the reporter confidential to the extent permitted by law.
376 The division may disclose the reporter's name or identification
377 with the written consent of the reporter.

378 2. Must provide a notice form to an employer being
379 investigated, which must be posted in a conspicuous and
380 accessible location at the workplace, notifying the employees
381 that the division is conducting an investigation under this
382 section. The notice form must be in English and any other
383 language that is the primary language of a majority of the
384 employees in the workplace. If display of the notice form is not
385 feasible, the employer must provide it to each employee through

Amendment No.

386 electronic means and also provide each employee a physical copy
387 of the notice form.

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

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

394 1. Enter and inspect the workplace.

395 2. Inspect and make copies of papers, books, accounts,
396 records, payroll, and other documents necessary to further its
397 investigation.

398 3. Question witnesses under oath and in a private
399 location.

400 4. Issue subpoenas to compel the attendance and testimony
401 of witnesses and the production of papers, books, accounts,
402 records, payroll, and other documents necessary to further its
403 investigation.

404 5. Take depositions and affidavits.

405 6. Investigate any facts, conditions, practices, or
406 matters as the division deems appropriate to determine whether a
407 violation of s. 24, Art. X of the State Constitution or this
408 section has occurred.

409 (b) If an employer fails to comply with a lawfully issued
410 subpoena or if a witness refuses to testify or be questioned,

Amendment No.

411 the division may request that the court compel compliance by
412 initiating a proceeding for contempt. The court shall take
413 judicial notice under s. 90.202(13) of the Department of
414 Commerce's seal, "Department of Commerce-State of Florida," and
415 shall enforce any subpoena issued by the director or his or her
416 representative under such seal.

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

420 (11)(a) During the course of an investigation under this
421 section or if the division reasonably believes that an employer
422 has engaged in, is engaging in, or is about to engage in, a
423 violation of s. 24, Art. X of the State Constitution or this
424 section, the division or the Attorney General may seek
425 injunctive relief to:

426 1. Prohibit the employer from continuing to engage or
427 engaging in the violation or doing any acts in furtherance of
428 the violation.

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

431 3. Attempt to interfere with or impede the enforcement of
432 this section.

433 4. Exercise or perform any power or duty under this
434 section.

Amendment No.

435 (b) When determining whether injunctive relief is
436 appropriate, the court shall consider any potential or direct
437 harm to an employee from a violation of s. 24, Art. X of the
438 State Constitution or this section and the chilling effect on
439 other employees attempting to assert their rights under s. 24,
440 Art. X of the State Constitution or this section.

441 (c) A temporary injunction remains in effect until the
442 division issues a citation to the employer or until the
443 completion of an administrative hearing, whichever is longer, or
444 until a time certain set by the court. A temporary injunction
445 does not prohibit an employer from taking adverse action against
446 an employee for conduct unrelated to an alleged violation of s.
447 24, Art. X of the State Constitution or this section.

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

450 (12) (a) If a violation of s. 24, Art. X of the State
451 Constitution or this section is found during an investigation
452 and the violation is not remedied through settlement or
453 otherwise, the division must issue a citation to the employer.
454 The citation must be in writing and describe the nature of the
455 violation and include any and all appropriate relief.
456 Appropriate relief includes, but is not limited to, requiring an
457 employer to cease and desist; to take any action necessary to
458 remedy the violation, such as rehiring or reinstating an
459 employee, reimbursing lost wages plus interest, or paying

Amendment No.

460 liquidated damages in an amount equal to two times the unpaid
461 wages, or other fines and penalties, including a fine of not
462 more than \$50 for each day a violation continues to exist and
463 for each employee to whom the violation occurred payable to the
464 state or aggrieved employee; to take training classes relating
465 to compliance with this section; or to submit to compliance
466 monitoring by the division. The division shall serve the
467 citation in a manner provided by the Florida Rules of Civil
468 Procedure. The citation must advise the employer of his or her
469 right to an administrative hearing to have the citation
470 reviewed.

471 (b) Within 30 days after service of a citation, an
472 employer must comply with all appropriate relief specified in
473 the citation or may obtain review of the citation by providing a
474 written request for review to the director. Upon receipt of a
475 written request for review, the director shall assign the
476 citation to an administrative law judge to conduct a hearing and
477 issue a written decision. Hearings conducted under this
478 subsection are governed by the division and the rules of
479 practice and procedure adopted by the division.

480 (c) An administrative hearing must commence within 90 days
481 after receipt of a timely submitted request for review. The
482 administrative law judge must render a written decision within
483 90 days after the conclusion of the hearing. The written
484 decision must include a statement of findings, conclusions of

Amendment No.

485 law, and a recommended order that specifies all appropriate
486 relief as authorized under paragraph (a), including the amount
487 required for an appeal bond should the employer choose to obtain
488 review of the recommended order issued under this paragraph. The
489 decision must be served on all parties in a manner provided by
490 the Florida Rules of Civil Procedure. If the recommended order
491 includes a monetary remedy, the amount is due 45 days after the
492 written decision is properly served on the employer.

493 (d)1. An employer may obtain review of the written
494 decision and recommended order issued under paragraph (c) by
495 filing a petition for a writ of mandamus to a court having
496 jurisdiction within 45 days after the written decision is
497 properly served on the employer. If a petition for a writ of
498 mandamus is not filed within the appropriate time, the
499 recommended order in the written decision becomes final.

500 2. Before an employer may obtain review of the written
501 decision or recommended order, he or she must post an appeal
502 bond, in the amount specified in the recommended order, issued
503 by a licensed surety or as a cash deposit with the court. The
504 employer shall provide written notice to the division and any
505 other parties of the posting of the appeal bond.

506 3. A court may overturn a written decision based on abuse
507 of discretion. An employer establishes an abuse of discretion if
508 he or she alleges that the findings are not supported by the
509 evidence and the court determines that the findings are not

Amendment No.

510 supported by substantial evidence when looking at the entire
511 record.

512 4. If the court issues an order in favor of the aggrieved
513 party or if the appeal is withdrawn or dismissed without entry
514 of judgment, the employer is liable for the relief specified in
515 the written decision from the administrative hearing, unless the
516 parties execute a settlement agreement, in which case the
517 employer is liable for the relief specified in the settlement
518 agreement. If the written decision from the administrative
519 hearing or the settlement agreement provide for monetary relief,
520 and the employer fails to pay the amount owed within 10 days
521 after entry of an order, dismissal or withdrawal of the appeal,
522 or the execution of a settlement agreement, a portion of the
523 appeal bond equal to the amount owed, or the entire appeal bond
524 if the amount owed exceeds the amount of the bond, must be paid
525 to the aggrieved party.

526 5. If the employer does not request review of the citation
527 under paragraph (b), file a writ of mandamus under subparagraph
528 1., or post the appeal bond as required in subparagraph 2., and
529 the time to do so has expired, or if the petition for a writ of
530 mandamus is dismissed or withdrawn without entry of judgment,
531 the clerk of the court must certify a copy of the citation or
532 written decision and recommended order issued by the division or
533 by the administrative law judge, respectively, and enter
534 judgment for the state or aggrieved party. The judgment has the

Amendment No.

535 same force and effect as a judgment entered in a civil action
536 and may be enforced in the same manner as any other judgment of
537 the court. The court shall give priority to petitions to enforce
538 a judgment entered under this section.

539 6. If an employer fails to comply with a citation or final
540 order, whether issued by the division, administrative law judge,
541 or court, and has exhausted all reviews or appeals or the time
542 to file a review or appeal has expired, the division or the
543 Attorney General may commence and prosecute a civil action to
544 recover unpaid wages, including interest, fines, or penalties;
545 equitable relief; and liquidated damages owed to an aggrieved
546 person. The prevailing party is entitled to applicable fines or
547 civil penalties and reasonable attorney fees and costs.

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

551 ~~(6) (a) Any person aggrieved by a violation of this section~~
552 ~~may bring a civil action in a court of competent jurisdiction~~
553 ~~against an employer violating this section or a party violating~~
554 ~~subsection (5). However, prior to bringing any claim for unpaid~~
555 ~~minimum wages pursuant to this section, the person aggrieved~~
556 ~~shall notify the employer alleged to have violated this section,~~
557 ~~in writing, of an intent to initiate such an action. The notice~~
558 ~~must identify the minimum wage to which the person aggrieved~~
559 ~~claims entitlement, the actual or estimated work dates and hours~~

Amendment No.

560 ~~for which payment is sought, and the total amount of alleged~~
561 ~~unpaid wages through the date of the notice.~~

562 ~~(b) The employer shall have 15 calendar days after receipt~~
563 ~~of the notice to pay the total amount of unpaid wages or~~
564 ~~otherwise resolve the claim to the satisfaction of the person~~
565 ~~aggrieved. The statute of limitations for bringing an action~~
566 ~~pursuant to this section shall be tolled during this 15-day~~
567 ~~period. If the employer fails to pay the total amount of unpaid~~
568 ~~wages or otherwise resolve the claim to the satisfaction of the~~
569 ~~person aggrieved, then the person aggrieved may bring a claim~~
570 ~~for unpaid minimum wages, the terms of which must be consistent~~
571 ~~with the contents of the notice.~~

572 ~~(c)1. Upon prevailing in a civil an action brought under~~
573 ~~paragraph (6) (e) pursuant to this section, aggrieved persons~~
574 ~~shall recover the full amount of any unpaid back wages, plus~~
575 ~~interest, unlawfully withheld plus up to two times the unpaid~~
576 ~~wages the same amount as liquidated damages and shall be awarded~~
577 ~~reasonable attorney attorney's fees and costs. Additionally, As~~
578 ~~provided under the federal Fair Labor Standards Act, pursuant to~~
579 ~~s. 11 of the Portal to Portal Act of 1947, 29 U.S.C. s. 260, if~~
580 ~~the employer proves by a preponderance of the evidence that the~~
581 ~~act or omission giving rise to such action was in good faith and~~
582 ~~that the employer had reasonable grounds for believing that his~~
583 ~~or her act or omission was not a violation of s. 24, Art. X of~~
584 ~~the State Constitution, the court may, in its sound discretion,~~

961279 - amendmentdraft94788.docx

Published On: 3/12/2025 7:14:21 PM

Amendment No.

585 ~~award no liquidated damages or award any amount thereof not to~~
586 ~~exceed an amount equal to the amount of unpaid minimum wages.~~
587 ~~The court shall not award any economic damages on a claim for~~
588 ~~unpaid minimum wages not expressly authorized in this section.~~

589 ~~2. Upon prevailing in an action brought pursuant to this~~
590 ~~section,~~ aggrieved persons are ~~shall also be~~ entitled to such
591 legal or equitable relief as may be appropriate to remedy the
592 violation, including, without limitation, reinstatement in
593 employment and injunctive relief. However, any entitlement to
594 legal or equitable relief in an action brought under s. 24, Art.
595 X of the State Constitution or this section may ~~shall~~ not
596 include punitive damages.

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

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

Amendment No.

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

613 1. The division, administrative law judge, or court may
614 order reinstatement of the aggrieved party, front pay in lieu of
615 reinstatement, backpay, liquidated damages up to two times the
616 amount of the unpaid wages, and other compensatory damages as
617 appropriate.

618 2. The division, administrative law judge, or court may
619 impose on the employer an administrative penalty, not to exceed
620 \$5,000, payable to the aggrieved party.

621 (e) In addition to any other remedies or penalties
622 authorized by law, if the division, administrative law judge, or
623 court finds that an employer or entity violated subsection (8),
624 the division, administrative law judge, or court may impose on
625 the employer or entity the following:

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

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

631 (f) ~~(d)~~ Any civil action brought under s. 24, Art. X of the
632 State Constitution and this section ~~is shall be~~ subject to s.
633 768.79.

Amendment No.

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

640 ~~(14)(8)~~ The statute of limitations for an action brought
641 under pursuant to this section ~~is shall be for~~ the period of
642 time specified in s. 95.11 beginning on the date the alleged
643 violation occurred. The statute of limitations applicable to an
644 action under this section is tolled during the division's
645 investigation and any administrative enforcement under this
646 section.

647 ~~(15)(9)~~ Actions brought under pursuant to this section may
648 be brought as a class action pursuant to Rule 1.220, Florida
649 Rules of Civil Procedure. In any class action brought under
650 ~~pursuant to~~ this section, the plaintiffs must shall prove, by a
651 preponderance of the evidence, the individual identity of each
652 class member and the individual damages of each class member.

653 ~~(16)(10)~~ This section is shall constitute the exclusive
654 remedy under state law for violations of s. 24, Art. X of the
655 State Constitution.

656 (17) The division shall make reasonable efforts to ensure
657 that judgments against an employer are satisfied and may use any
658 remedy that is available to a judgment creditor to collect an

Amendment No.

659 unsatisfied judgment. The division may collect wages, damages,
660 and other monetary remedies on behalf of an employee. The
661 division acts as the trustee of any unsatisfied judgment it
662 collects and shall deposit such wages, damages, or other
663 monetary remedy in the appropriate fund as provided by rule. The
664 division shall conduct a diligent search for any employee for
665 whom it collects an unsatisfied judgment.

666 (18) (a) Beginning on the 20th day after a judgment is
667 entered by the clerk of the court under paragraph (12) (d) or
668 otherwise by a court of competent jurisdiction in favor of this
669 state or the aggrieved party, the division may issue a notice of
670 levy on all persons having in their possession or under their
671 control any credits, money, or property belonging to the
672 judgment debtor. If the levy is made on credits, money, or
673 property in the possession or under the control of a bank,
674 savings and loan association, or other financial institution as
675 defined in 42 U.S.C. s. 669a(d) (1), the notice of levy may be
676 mailed or hand-delivered to a centralized location designated by
677 the bank, savings and loan association, or other financial
678 institution.

679 (b) Any person who receives a notice of levy shall
680 surrender the credits, money, or property to the division or pay
681 to the division the amount of any debt owed within 10 days after
682 service of the levy. Any person who surrenders to the division
683 any credits, money, or property of the judgment debtor is

Amendment No.

684 discharged from any obligation or liability to the judgment
685 debtor relating to the amount paid to the division.

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

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

695 (e) The division may create a lien on any real or personal
696 property of an employer found in violation of s. 24, Art. X of
697 the State Constitution or this section. The division must
698 release the lien upon final satisfaction of any judgment entered
699 in favor of an aggrieved party or the division, or upon
700 adjudication of the claim in favor of the employer. A lien
701 created under this paragraph lasts 10 years after the date it is
702 created unless the lien is satisfied or released. A lien created
703 under this paragraph is in addition to any other rights
704 available to an aggrieved party or the division.

705 (19) (a) If a citation issued by the division, written
706 decision and order issued by an administrative law judge, or
707 final judgment awarded under this section remains unsatisfied 30
708 days after all reviews and appeals have been exhausted or the

Amendment No.

709 time to request a review or file an appeal has expired, the
710 division may issue a stop-order prohibiting the employer from
711 conducting business in this state using employee labor,
712 including conducting business using the labor of another
713 business, contractor, or subcontractor instead of the labor of
714 an employee, until the judgment is satisfied. The stop-order is
715 effective upon receipt of the order and the employer must pay
716 employees up to 10 days of lost wages due to the stop-order.

717 (b) An employer may appeal the stop-order by filing,
718 within 20 days after receipt of the stop-order, a written
719 request with the division for an administrative hearing. The
720 hearing must be held within 5 days after receipt of the written
721 request, at which time the stop-order must be affirmed or
722 dismissed and the division shall mail a written notice of
723 findings by United States mail to all parties within 24 hours
724 after the conclusion of the hearing. A party may appeal the
725 written notice of findings to a court of competent jurisdiction
726 within 45 days after the notice is mailed. The division may seek
727 injunctive or other appropriate relief to enforce the stop-order
728 and is entitled to attorney fees and costs if the division
729 prevails.

730 (c) An employer, owner, director, officer, or managing
731 agent of an employer who fails to comply with a stop-order
732 issued under this subsection is guilty of a misdemeanor of the

Amendment No.

733 second degree, punishable as provided in s. 775.082 or s.
734 775.083.

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

738 (20) 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 or appeals have been exhausted or the
742 time to request a review or file an appeal has expired, the
743 division may request that the appropriate state agency, and the
744 state agency is authorized to, deny, suspend, or revoke any
745 license held by the employer until such time as the judgment is
746 satisfied.

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

753 (22) All employers, client employers, and labor
754 contractors shall create records documenting compliance with s.
755 24, Art. X of the State Constitution and this section in
756 accordance with division rules. Records must be maintained for a
757 minimum of 5 years after an employee leaves the employment of

Amendment No.

758 the employer or client employer, or is no longer working with a
759 labor contractor. An employer, a client employer, or a labor
760 contractor must allow the division reasonable access to the
761 records when requested. If an employee, or other authorized
762 person or entity, alleges a violation of s. 24, Art. X of the
763 State Constitution or this section and the employer, client
764 employer, or labor contractor has not created and maintained
765 records as required under this subsection, there is a rebuttable
766 presumption that the employer, client employer, or labor
767 contractor is in violation of the law. The employer, client
768 employer, or labor contractor can overcome this presumption with
769 clear and convincing evidence.

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

773 (24) Subject to appropriation of funds by the Legislature,
774 the division shall establish and maintain an outreach and
775 education partnership program to promote awareness of, and
776 compliance with, s. 24, Art. X of the State Constitution and
777 this section. The division shall pursue partnerships with
778 community-based organizations and unions through a competitive
779 request for proposals. Duties of the outreach and education
780 partnership program may include:

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

Amendment No.

783 (b) Conducting educational training for employers about
784 their obligations.

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

788 (d) Assisting the division in conducting investigations
789 under this section, including the collection of evidence and
790 enforcement of a judgment.

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

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

795 (g) Producing and disseminating training materials to
796 employers and employees.

797 (25)-(11) Except for calculating the adjusted state minimum
798 wage and publishing the initial state minimum wage and any
799 annual adjustments thereto, the authority of the division
800 ~~department of Commerce~~ in implementing s. 24, Art. X of the
801 State Constitution, pursuant to this section, is ~~shall be~~
802 limited to that authority expressly granted by the Legislature.

803 **Section 4. Section 448.112, Florida Statutes, is created**
804 **to read:**

805 448.112 Division of Labor Standards Community Advisory
806 Board.—The Division of Labor Standards Community Advisory Board,

Amendment No.

807 an advisory council as defined in s. 20.03(7), is established
808 within the Division of Labor Standards.

809 (1) The advisory board shall consist of the following
810 members who must be approved by the director of the Division of
811 Labor Standards:

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

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

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

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

816 (e) A representative from a small business as defined in
817 s. 288.703.

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

820 (2) Members of the advisory board shall be appointed for
821 2-year terms, which shall be staggered.

822 (3) Members of the advisory board shall serve without
823 compensation and are not entitled to receive reimbursement for
824 per diem or travel expenses.

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

829 (5) The advisory board shall submit an annual report to
830 the director of the Division of Labor Standards recommending
831 changes to existing state policies and programs to ensure

Amendment No.

832 employee safety and equity, with particular emphasis on racial
833 equity and low-wage and migrant workers.

834 (6) By January 1, 2026, and annually thereafter, the
835 director of the Division of Labor Standards shall submit the
836 annual report to the Governor, the President of the Senate, and
837 the Speaker of the House of Representatives.

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

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

842

843 -----

844 **T I T L E A M E N D M E N T**

845 Remove everything before the enacting clause and insert:

846 A bill to be entitled

847 An act relating to the Division of Labor Standards;

848 amending s. 20.60, F.S.; creating the Division of

849 Labor Standards within the Department of Commerce for

850 specified purposes; specifying that the department is

851 the state's chief agency for employee protection;

852 requiring the department to support and protect the

853 state's workforce in a specified manner; amending s.

854 448.109, F.S.; revising requirements for notifying

855 employees of certain rights; amending s. 448.110,

856 F.S.; designating the Division of Labor Standards as

Amendment No.

857 the state Agency for Workforce Innovation for purposes
858 of implementing s. 24, Art. X of the State
859 Constitution; providing definitions; providing that an
860 employer is not subject to certain minimum wage
861 requirements for specified employees; authorizing
862 employees to opt out of the minimum wage requirements
863 in a specified manner; revising the protected rights
864 of an employee; creating a rebuttable presumption and
865 burden of proof for an employer; revising the process
866 for filing a complaint for a violation of protected
867 rights; specifying that certain actions are violations
868 of the state minimum wage law; prohibiting a person or
869 entity from entering into certain contracts;
870 authorizing and providing the division certain powers
871 to conduct investigations, issue citations, enforce
872 and collect judgments by certain means, and partner
873 with other entities for enforcement and education
874 outreach; providing for injunctive relief under
875 certain circumstances; providing a process for review
876 of a citation, levy, or stop-order issued by the
877 division; authorizing an aggrieved person to file a
878 civil action; providing penalties; tolling the statute
879 of limitations during an investigation; providing
880 liability; requiring certain records be maintained for
881 a specified length of time; creating s. 448.112, F.S.;

961279 - amendmentdraft94788.docx

Published On: 3/12/2025 7:14:21 PM

Amendment No.

882 creating the Division of Labor Standards Community
883 Advisory Board within the Division of Labor Standards;
884 providing for membership, meetings, and duties of the
885 advisory board; requiring an annual report to the
886 director of the Division of Labor Standards, the
887 Governor, and the Legislature by a specified date;
888 providing for future legislative review and repeal of
889 the advisory board; providing an effective date.