

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 1698

INTRODUCER: Senator McClain

SUBJECT: Notice Requirements for Certain Employers to their Employees

DATE: January 30, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2. _____	_____	<u>JU</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 1698 allows employers to post certain required notices and posters electronically as opposed to physically at a worksite. These notices typically inform employees of their rights and protections under various federal and state laws. The electronic postings must be on the Internet in a manner that is accessible to its employees. The specific notices and posters included in the bill are:

- Those required by the U.S. Department of Labor and the U.S. Equal Employment Opportunity Commission;
- Notices to employees by certain employers who legally elect to not provide workers' compensation coverage;
- Notices informing employees about their rights and other matters relating to the Reemployment Assistance Program Law;
- Notices regarding the Child Labor Law, required by employers who hire, employ, or suffers to work any minor; and
- Information provided by the Commission on Human Relations on the Florida Civil Rights Act of 1992.

The bill additionally reenacts ss. 440.185 and 440.19, F.S., to incorporate changes made in the bill. Respectively, these statutes cover the availability of remedies under the workers' compensation program when an employee does not promptly inform the employer of his or her injuries and the burden of proof at a particular stage of a workers' compensation case.

The bill is not expected to impact state or local government expenditures.

The act takes effect on July 1, 2026.

II. Present Situation:

Federal U.S. Department of Labor Posters

The U.S. Department of Labor (DOL) requires employers to provide certain notices to employees, which Florida Law reinforces in s. 112.044, F.S. The DOL provides free electronic copies of the required posters and some of the posters are available in languages other than English. Generally, these posters must be posted in a conspicuous place where they can be readily seen by employees.¹

These posters and notices include:²

- “Employee Rights Under the Fair Labor Standards Act” Poster. The Fair Labor Standards Act (FLSA) establishes minimum wages, overtime pay and record keeping requirements, and child labor standards for private sector and government workers.
- “Employee Rights for Workers with Disabilities Paid at Special Minimum Wages” Poster. Required under section 14(c) of the FLSA, every employer must provide this notification to any workers employed under special minimum wage certificates.
- “Job Safety and Health: It’s the Law” Poster. This poster covers the Occupational Safety and Health Act, which requires employers to comply with occupational safety and health standards issued by the Occupational Safety and Health Administration and to provide employees with a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.
- “Employee Rights and Responsibilities Under the Family Medical Leave Act” Poster. The Family Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons:
 - Birth and care of the eligible employee’s child, or placement for adoption or foster care of a child with the employee;
 - Care of an immediate family member (spouse, child, parent) who has a serious health condition; or
 - When the employee is unable to work due to his or her own serious health condition.
- Migrant and Seasonal Agricultural Worker Protection Act Notice. This act requires farm labor contractors, agricultural employers, and agricultural associations who recruit, solicit, hire, employ, furnish, transport, or house agricultural workers, as well as providers of migrant housing, to meet certain minimum requirements in their dealings with migrant and seasonal agricultural workers. Each employer covered by the act who provides housing to migrant agricultural workers shall post in a conspicuous place, throughout the occupancy period, information on the terms and conditions of occupancy of such housing.
- Employee Polygraph Protection Act (EPPA) Notice. The EPPA prohibits most private employers from using lie detector tests, either for pre-employment screening or during the course of employment.

¹ U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026). In some instances, the notice can be directly provided to a relevant employee and not posted (Employee Rights for Workers with Disabilities Paid at Special Minimum Wage), or via email (Uniformed Services Employment and Re-employment Rights Act (USERRA)).

² U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026).

- “Your Rights Under USERRA” Notice/Poster. The Uniformed Services Employment and Reemployment Rights Act (USERRA) ensures that service members are not disadvantaged in their civilian careers because of their military service. Employers are required to provide to persons entitled to the rights and benefits under the USERRA a notice of the rights, benefits, and obligations of employees and employers under the USERRA.
- Employee rights under the H-2A program. This notice lists certain rights of temporary, non-immigrant workers in agriculture, such as rights relating to wages, transportation, discrimination, and disclosures.

Federal contractors have additional workplace poster requirements. These include:³

- Notices required under the Davis-Bacon Act by employers to all employees working on federal or federally financed construction projects. The act requires all contractors and subcontractors performing work on federal or District of Columbia construction contracts in excess of \$2,000, or on federally assisted contracts, to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits.
- “Employee Rights on Government Contracts” Poster.⁴ This poster relates to three separate laws:
 - McNamara-O’Hara Service Contract Act (SCA) – The SCA covers contracts entered into by the federal government and the District of Columbia where the principal purpose of the contract is to furnish services in the U.S. through the use of “service employees.” The SCA requires contractors and subcontractors performing services on prime contracts in excess of \$2,500 to pay service employees in various classes no less than the wage rates and fringe benefits found prevailing in the locality, or the rates (including prospective increases) contained in a predecessor contractor’s collective bargaining agreement.⁵
 - Walsh-Healey Public Contracts Act (PCA) – The PCA, as amended, establishes minimum wage, maximum hours, and safety and health standards for work on contracts in excess of \$15,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia.⁶
 - The Contract Work Hours and Safety Standards Act (CWHSSA) – The CWHSSA applies to contractors on certain contracts with the federal government or the District of Columbia that require or involve the employment of laborers or mechanics (including guards and watchpersons), including federal service contracts and federal construction contracts over \$150,000 (or \$100,000 in certain instances). Under the CWHSSA, contractors must pay laborers and mechanics, including watchpersons and guards, employed in the performance of covered contracts not less than one and one-half times their basic rate of pay for all hours worked over 40 in a workweek.⁷

³ *Id.*

⁴ U.S. Dep’t of Labor, eLaws Advisors: Compliance Assistance Resources, *FirstStep Poster Advisor*, https://webapps.dol.gov/elaws/firststep/poster_direct.htm?p_sca=1 (last visited Jan. 25, 2026).

⁵ U.S. Dep’t of Labor, Wage and Hour Division, *McNamara-O’Hara Service Contract Act (SCA)*, <https://www.dol.gov/agencies/whd/government-contracts/service-contracts> (last visited Jan. 25, 2026).

⁶ U.S. Dep’t of Labor, Wage and Hour Division, *Walsh-Healey Public Contracts Act (PCA)*, <https://www.dol.gov/agencies/whd/government-contracts/pca> (last visited Jan. 25, 2026).

⁷ U.S. Dep’t of Labor, eLaws Advisors: Compliance Assistance Resources, *Employment Law Guide: Federal Contracts-Working Conditions: Hours and Safety Standards in Construction Contracts*, <https://webapps.dol.gov/elaws/elg/cwhssa.htm> (last visited Jan. 25, 2026).

- “Notification of Employee Rights Under Federal Labor Laws” Poster. Federal contractors and subcontractors are required to inform employees of their rights under the National Labor Relations Act (NLRA), the primary law governing relations between unions and employers in the private sector. The notice, prescribed in the DOL’s regulations, informs employees of federal contractors and subcontractors of their rights under the NLRA to organize and bargain collectively with their employers and to engage in other protected concerted activity. Additionally, the notice provides examples of illegal conduct by employers and unions, and it provides contact information to the National Labor Relations Board.⁸

Federal law provides various potential penalties for employers who fail to make required postings depending on what information is not provided. For instance, there are no penalties or citations for failure to post about the FLSA; but an employer may be fined for failure to post about the FMLA, MSPA, or EPPA.⁹

Whether notices are provided electronically or in hard-copy format, it is an employer’s obligation to provide the required notices to all affected individuals.

Electronic Posting

Generally, electronic postings of the DOL posters do not replace the statutory and regulatory requirements that employers post hard-copy notice.¹⁰ Responding to the increase in employees working remotely during and after the COVID-19 pandemic, the DOL provided guidance to Wage and Hour Division field staff on the limited instances in which the posting of required notices may be done electronically. The DOL directed that where laws or regulations require a notice to be continuously posted at a worksite,¹¹ electronic posting is an acceptable substitute only when “all of the employer’s employees exclusively work remotely.”¹² All required postings under the FMLA, EPPA, SCA, and FSLA (except the special minimum wage FSLA notice) must be continuous and therefore be provided at the physical worksite (unless one does not exist because the employer utilizes an exclusively remote workforce).

Even though an employer has an exclusively remote workforce, the employer must still ensure the notices are readily and easily available at all times. Employees must have access to the electronic postings without having to specifically request permission to view a file or access a computer. The employer must take further steps to inform employees of where and how to access the notice electronically. Posting on an unknown or little-known electronic location has the effect of hiding the notice and is thus insufficient. Moreover, if the affected individuals cannot easily determine which electronic posting is applicable to them and their worksite, the DOL will

⁸ U.S. Dep’t of Labor, Office of Labor-Management Standards, *Executive Order 13496: Notification of Employee Rights Under Federal Labor Laws*, <https://www.dol.gov/agencies/olms/poster/labor-rights-federal-contractors> (last visited Jan. 25, 2026).

⁹ U.S. Dep’t of Labor, *Workplace Posters*, <https://www.dol.gov/general/topics/posters> (last visited Jan. 26, 2026).

¹⁰ U.S. Dep’t of Labor Wage and Hour Division, Field Assistance Bulletin No. 2020-7, Electronic posting for purposes of the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA (Dec. 23, 2020), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab_2020_7.pdf (last visited Jan. 25, 2026). The field guide spoke to the FSLA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA.

¹¹ The field guide noted that several governing statutes and corresponding regulations—such as the FSLA and FMLA—require employers to “post and keep posted” or require posting of notice “at all times.”

¹² *Id.*

consider the electronic posting insufficient. Electronic means are not sufficient where the employer does not customarily post notices to affected employees or other affected individuals electronically.

Further, in some instances, law requires the notice to be readily seen by both employees and applicants for employment.¹³ If the employer uses an exclusively electronic posting, he or she must still ensure applicants for employment can still readily see the notice. Accordingly, solely posting on an intranet or non-publicly accessible medium may be insufficient if not specifically shared with an applicant.¹⁴

Equal Employment Opportunity Commission's Discrimination Posting Requirements

The U.S. Equal Employment Opportunity Commission requires employers to post the “Know Your Rights: Workplace Discrimination is Illegal” Poster. This poster describes the federal laws prohibiting job discrimination based on race, color, sex (including pregnancy and related conditions, sexual orientation, or transgender status), national origin, religion, age (40 and older), equal pay, disability, or genetic information (including family medical history or genetic tests or services). The poster further discusses law prohibiting retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding. Failure to post this information results in a fine.¹⁵ The Commission additionally addresses required postings under the Pregnant Workers Fairness Act, which requires covered employers to make reasonable accommodations to employees and applicants who have certain limitations relating to or arising out of pregnancy and child birth, and the Americans with Disabilities Act (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability.¹⁶

These postings must be in a conspicuous location in the workplace where notices to applicants and employees are customarily posted. In addition to physically posting the posters, covered employers are encouraged to post the notice digitally on their web sites in a conspicuous location. In most cases, electronic posting supplements, but does not replace, the physical posting requirement. In some situations (for example, for employers without a physical location or for employees who telework or work remotely and do not visit the employer’s workplace on a regular basis), it may be acceptable to only provide the online posting.¹⁷

¹³ See, e.g., 29 C.F.R. s. 801.6 (EPPA) and 29 C.F.R. 825.300(a)(1) (FMLA).

¹⁴ See U.S. Dep’t of Labor Wage and Hour Division, Field Assistance Bulletin No. 2020-7, Electronic posting for purposes of the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA (Dec. 23, 2020), available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fab_2020_7.pdf (last visited Jan. 25, 2026).

¹⁵ U.S. Equal Employment Opportunity Commission, “Know Your Rights: Workplace Discrimination is Illegal” Poster, <https://www.eeoc.gov/poster> (last visited Jan. 25, 2026).

¹⁶ Id.; U.S. Equal Employment Opportunity Commission, *The ADA: Your Responsibilities as an Employer*, <https://www.eeoc.gov/publications/ada-your-responsibilities-employer> (last visited Jan. 26, 2026); U.S. Equal Employment Opportunity Commission, *What You Should Know About the Pregnant Workers Fairness Act*, <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act> (last visited Jan. 26, 2026).

¹⁷ U.S. Equal Employment Opportunity Commission, “Know Your Rights: Workplace Discrimination is Illegal” Poster, <https://www.eeoc.gov/poster> (last visited Jan. 25, 2026).

State Minimum Wage Posting Requirements

During the 2005 Special Legislative Session (2005 B), the Legislature passed, and the Governor approved, SB 18-B creating the Florida Minimum Wage Act.¹⁸ This bill implemented the provisions of Article X, section 24 of the State Constitution, which resulted from the passage of Constitutional Amendment number 5 on the November 2, 2004, ballot. As a part of the Florida Minimum Wage Act, employers must hang posters in the workplace. Under s. 448.109, F.S., the posters must state:

- The minimum wage and the minimum wage amount for tipped workers, in addition to tips, as of January 1 of each year;¹⁹
- That the minimum wage is calculated yearly on September 30 using the consumer price index and will take effect each January 1;
- That retaliation by employers against employees who exercise their rights under the minimum wage law is prohibited. Those protected rights include filing a complaint or informing any person about an employer's noncompliance and informing any person of his or her rights under the State Constitution;
- That prior to filing a civil action against an employer to recover back wages, an employee must give the employer 15 days to resolve any claims for those wages, and that any civil action includes recovery for back wages plus damages and attorney's fees;
- That an employer who intentionally violates the minimum wage requirements may be subject to a fine of \$1,000 per violation, payable to the state;
- That the Attorney General or other official appointed by the Legislature may bring a civil action to enforce the minimum wage; and
- That further information may be obtained from Article X, section 24 of the State Constitution.

The poster must be at least 8.5 inches by 11 inches and in a format easily seen by employees. The text in the poster must be of a conspicuous size. The text in the first line must be larger than the text of any other line, and the text of the first sentence must be in bold type and larger than the text in the remaining lines.²⁰

Florida's Child Labor Law

The Department of Business and Professional Regulation, Division of Regulation, administers and enforces Florida's Child Labor Law²¹ through its Child Labor Program. The "mission of the Child Labor Program is to provide a program of education, enforcement, and administrative initiatives designed to achieve full compliance in the enforcement of Child Labor laws and

¹⁸ Chapter 2005-353, L.O.F.

¹⁹ Effective September 30, 2025, the Florida minimum wage was \$14.00 per hour, with a minimum wage of at least \$10.98 per hour for tipped employees, in addition to tips, through September 29, 2026. Florida Commerce, *MINIMUM WAGE IN FLORIDA: Notice to Employees*, available at https://www.floridajobs.org/docs/default-source/business-growth-and-partnerships/for-employers/posters-and-required-notices/2025-minimum-wage/2025-minimum-wage-poster---english.pdf?sfvrsn=db953eb0_3 (last visited Jan. 25, 2026).

²⁰ Section 448.109, F.S.

²¹ See ss. 450.001-450.165, F.S.

ensure the health, education and welfare of Florida's working minors.”²² Florida's Child Labor Law restricts the employment of minors, sometimes more than federal law. An employer who employs a minor must contact the division for a copy of the poster required under the Child Labor Law.

Florida Civil Rights Law

The Florida Civil Rights Act of 1992 secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state. The Commission on Human Relations is tasked with providing information about the Florida Civil Rights Act of 1992 to each employer, employment agency, and labor organization. The information must be posted in a conspicuous place on employer, employment agency, and labor organization's premises.

ADA Online Posting Requirements

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. Communication disabilities encompass vision, hearing, and speech disabilities. Under the ADA, printed notices should also be made available in an accessible format, as needed, to people with communication disabilities. Notices can be recorded on an audio file, provided in an electronic format that can be utilized by screen-reading technology, or read to applicants or employees.

The Department of Justice also adopted specific regulations regarding accessibility of online sources.²³ The rule has specific requirements about how to make sure that web content and mobile applications are accessible to people with disabilities. Some examples of accessibility barriers to effective online communication addressed in the rule include poor color contrast, small text size and text spacing, lack of alternative text, and mouse-only navigation.²⁴

III. Effect of Proposed Changes:

The bill allows employers to provide notifications for employees either on the Internet in a manner that is accessible to its employees or members or, as current law requires, posted in hard-copy at the workplace. To authorized the alternative electronic postings, **sections 1-6**, respectively, amend the following:

- Section 112.044, F.S., which requires the state and any county, municipality, or special district or any subdivision or agency thereof; any person, including any agent thereof,

²² Florida Dep't of Business & Professional Regulation, *Child Labor Waiver Information*, <https://www2.myfloridalicense.com/child-labor/> (last visited Jan. 25, 2026).

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²⁴ U.S. Dep't of Justice, Civil Rights Division, *Guidance on Web Accessibility and the ADA* (Mar. 18, 2022), ADA.GOV, <https://www.ada.gov/resources/web-guidance/> (last visited Jan. 27, 2026); World Wide Web Consortium, *How to Meet WCAG (Quick Reference)*, <https://www.w3.org/WAI/WCAG22/quickref/#adaptable> (last visited Jan. 27, 2026). These guidelines were adopted by the Department of Justice. 89 CFR 31320.

regularly undertaking, with or without compensation, to procure employees for an employer, including state and local employment services receiving federal assistance; and labor organization to post notices required by the U.S. Department of Labor and the Equal Employment Opportunity Commission. The bill allows these postings to be on the Internet.

- Section 440.055, F.S., which allows an employer with less than four employees to elect to not secure payment of workers' compensation if the employer posts clear notice in a conspicuous location at each worksite. The bill permits the employer to provide such notification on the Internet in a manner accessible to his or her employees.
- Section 443.151, F.S., which requires employers to post and maintain in places readily accessible to her or his employee printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of the Reemployment Assistance Program Law. Under the bill, employers alternatively are permitted to provide this information on the Internet in a manner accessible to the employees.
- Section 450.045, F.S., which requires any person who hires, employs, or suffers to work any minor to post at a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor Law (ss. 450.001-450.165, F.S.). The bill allows the employer to post a copy of the poster in a manner accessible to employees.
- Section 760.10, F.S., which requires employers, employing agencies, and labor organizations to post and keep posted in conspicuous places upon its premises a notice by the Commission on Human Relations on the Florida Civil Rights Act of 1992. Employers, employing agencies, and labor organizations, under the bill, could instead provide this information on the Internet in a manner accessible to employees or members.

Sections 7 and 8, to incorporate changes made to s. 440.055, F.S., respectively reenact:

- Section 440.185, F.S., which allows an employee who suffers an injury arising out of and in the course of employment to seek benefits under workers' compensation laws even if he or she does not advise his or her employer of the injury within 30 days after the date of or initial manifestation of the injury, if the employer failed to post required notices; and
- Section 440.19, F.S., which provides burdens of proof in certain instances in workers' compensation cases.

Section 9 provides the act takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

Employers may save costs related to printing and shipping of physical posters to the worksite.

Employers that misinterpret their duties under federal law and fail to still post a hard-copy of posters required by federal law posted at a physical worksite may be subject to fines or suit.

C. Government Sector Impact:

None identified.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

For federally required notices, federal law requires employers, outside of limited circumstances, to provide hard-copies at the physical worksite. Section 1 of the bill amends 112.044, F.S., which discusses notices required by the U.S. Department of Labor (DOL) and the Equal Employment Opportunity Commission. While the bill permits an employer to provide such notices on the Internet, federal law may still require an employer to physically provide the poster at the worksite. Employers may be confused by the conflicting posting requirements and could mistakenly fall short of federal requirements by relying on Florida standards.

To address this, the Legislature may wish to clarify, at lines 23-28, that an employer, employment agency, or labor organization may provide notices required by the DOL or the Equal Employment Opportunity Commission in a manner permissible under federal law. This

provides clarity to employers and adopts those instances in which the DOL or the Equal Employment Opportunity Commission permit employers to provide the relevant notices online.

VIII. Statutes Affected:

This bill substantially amends sections 12.044, 440.055, 443.151, 448.109, 450.045, 760.10, 440.185, and 440.19 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
