

**By** Senator McClain

9-01114-26

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A bill to be entitled

An act relating to notice requirements for certain employers to their employees; amending ss. 112.044, 440.055, 443.151, 448.109, 450.045, and 760.10, F.S.; providing that certain employers, employment agencies, and labor organizations comply with providing their employees or members certain information by posting notice of such information on the Internet in a manner that is accessible to such employees or members; reenacting ss. 440.185(1) and 440.19(4), F.S., relating to notice of injury or death and time bars to filing petitions for benefits, respectively, to incorporate the amendment made to s. 440.055, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (5) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(5) NOTICE TO BE POSTED.—Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises, or on the Internet in a manner that is accessible to its employees or members, notices required by the United States Department of Labor and the Equal Employment Opportunity Commission.

Section 2. Section 440.055, Florida Statutes, is amended to

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30 read:

31       440.055 Notice requirements.—An employer who employs fewer  
32 than four employees, who is permitted by law to elect not to  
33 secure payment of compensation under this chapter, and who  
34 elects not to do so must ~~shall~~ post clear written notice in a  
35 conspicuous location at each worksite directed to all employees  
36 and other persons performing services at the worksite, or on the  
37 Internet in a manner that is accessible to his or her employees,  
38 of their lack of entitlement to benefits under this chapter.

39       Section 3. Paragraph (a) of subsection (1) of section  
40 443.151, Florida Statutes, is amended to read:

41       443.151 Procedure concerning claims.—

42       (1) POSTING OF INFORMATION.—

43       (a) Each employer shall ~~must~~ post and maintain in places  
44 readily accessible to individuals in her or his employ ~~printed~~  
45 statements concerning benefit rights, claims for benefits, and  
46 other matters relating to the administration of this chapter as  
47 the Department of Commerce may by rule prescribe. Each employer  
48 shall:

49       1. ~~must~~ Supply to individuals copies of printed statements  
50 or other materials relating to claims for benefits as directed  
51 by the rules of the department. The department shall supply  
52 these printed statements and other materials to each employer  
53 without cost to the employer; or

54       2. Post copies of such statements on the Internet in a  
55 manner that is accessible to her or his employees.

56       Section 4. Subsection (2) of section 448.109, Florida  
57 Statutes, is amended to read:

58       448.109 Notification of the state minimum wage.—

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59       (2) Each employer who must pay an employee the Florida  
60 minimum wage must:

61       (a) ~~shall~~ Prominently display a poster substantially  
62 similar to the one made available pursuant to subsection (3) in  
63 a conspicuous and accessible place in each establishment where  
64 such employees are employed; or

65       (b) Post a copy of such poster on the Internet in a manner  
66 that is accessible to his or her employees.

67       Section 5. Subsection (2) of section 450.045, Florida  
68 Statutes, is amended to read:

69       450.045 Proof of identity and age; posting of notices.—

70       (2) Any person who hires, employs, or suffers to work any  
71 minor must:

72       (a) ~~shall~~ Post at a conspicuous place on the property or  
73 place of employment, where it may be easily read, a poster  
74 notifying minors of the Child Labor Law, to be provided by the  
75 division upon request; or

76       (b) Post a copy of such poster on the Internet in a manner  
77 that is accessible to his or her employees.

78       Section 6. Subsection (11) of section 760.10, Florida  
79 Statutes, is amended to read:

80       760.10 Unlawful employment practices.—

81       (11) Each employer, employment agency, and labor  
82 organization shall post and keep posted in conspicuous places  
83 upon its premises, or on the Internet in a manner that is  
84 accessible to its employees or members, a notice provided by the  
85 commission setting forth such information as the commission  
86 deems appropriate to effectuate the purposes of ss. 760.01-  
87 760.10.

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88       Section 7. For the purpose of incorporating the amendment  
89 made by this act to section 440.055, Florida Statutes, in a  
90 reference thereto, subsection (1) of section 440.185, Florida  
91 Statutes, is reenacted to read:

92       440.185 Notice of injury or death; reports; penalties for  
93 violations.—

94       (1) An employee who suffers an injury arising out of and in  
95 the course of employment shall advise his or her employer of the  
96 injury within 30 days after the date of or initial manifestation  
97 of the injury. Failure to so advise the employer shall bar a  
98 petition under this chapter unless:

99       (a) The employer or the employer's agent had actual  
100 knowledge of the injury;

101       (b) The cause of the injury could not be identified without  
102 a medical opinion and the employee advised the employer within  
103 30 days after obtaining a medical opinion indicating that the  
104 injury arose out of and in the course of employment;

105       (c) The employer did not put its employees on notice of the  
106 requirements of this section by posting notice pursuant to s.  
107 440.055; or

108       (d) Exceptional circumstances, outside the scope of  
109 paragraph (a) or paragraph (b) justify such failure.

110  
111 In the event of death arising out of and in the course of  
112 employment, the requirements of this subsection shall be  
113 satisfied by the employee's agent or estate. Documents prepared  
114 by counsel in connection with litigation, including but not  
115 limited to notices of appearance, petitions, motions, or  
116 complaints, shall not constitute notice for purposes of this

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117 section.

118       Section 8. For the purpose of incorporating the amendment  
119 made by this act to section 440.055, Florida Statutes, in a  
120 reference thereto, subsection (4) of section 440.19, Florida  
121 Statutes, is reenacted to read:

122       440.19 Time bars to filing petitions for benefits.—

123       (4) Notwithstanding the provisions of this section, the  
124 failure to file a petition for benefits within the periods  
125 prescribed is not a bar to the employee's claim unless the  
126 carrier advances the defense of a statute of limitations in its  
127 initial response to the petition for benefits. If a claimant  
128 contends that an employer or its carrier is estopped from  
129 raising a statute of limitations defense and the carrier  
130 demonstrates that it has provided notice to the employee in  
131 accordance with s. 440.185 and that the employer has posted  
132 notice in accordance with s. 440.055, the employee must  
133 demonstrate estoppel by clear and convincing evidence.

134       Section 9. This act shall take effect July 1, 2026.