

By Senator McClain

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

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

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

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

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

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

(a) ~~shall~~ 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, to be provided by the division upon request; or

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

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

760.10 Unlawful employment practices.—

(11) 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, a notice provided by the commission setting forth such information as the commission deems appropriate to effectuate the purposes of ss. 760.01-760.10.

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

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

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

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

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

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

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

In the event of death arising out of and in the course of employment, the requirements of this subsection shall be satisfied by the employee's agent or estate. Documents prepared by counsel in connection with litigation, including but not limited to notices of appearance, petitions, motions, or 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.