

26 outreach; providing for injunctive relief under
 27 certain circumstances; providing a process for review
 28 of a citation, levy, or stop-order issued by the
 29 division; authorizing an aggrieved person to file a
 30 civil action; providing penalties; tolling the statute
 31 of limitations during an investigation; providing
 32 liability; requiring certain records be maintained for
 33 a specified length of time; creating s. 448.112, F.S.;
 34 creating the Division of Labor Standards Community
 35 Advisory Board within the Division of Labor Standards;
 36 providing for membership, meetings, and duties of the
 37 advisory board; requiring an annual report to the
 38 director of the Division of Labor Standards, the
 39 Governor, and the Legislature by a specified date;
 40 providing an effective date.

41

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

43

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

46 20.60 Department of Commerce; creation; powers and
 47 duties.—

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

50 1. The Division of Economic Development.

- 51 2. The Division of Community Development.
- 52 3. The Division of Workforce Services.
- 53 4. The Division of Finance and Administration.
- 54 5. The Division of Information Technology.
- 55 6. The Office of the Secretary.
- 56 7. The Office of Economic Accountability and Transparency,
- 57 which shall:
- 58 a. Oversee the department's critical objectives as
- 59 determined by the secretary and make sure that the department's
- 60 key objectives are clearly communicated to the public.
- 61 b. Organize department resources, expertise, data, and
- 62 research to focus on and solve the complex economic challenges
- 63 facing the state.
- 64 c. Provide leadership for the department's priority issues
- 65 that require integration of policy, management, and critical
- 66 objectives from multiple programs and organizations internal and
- 67 external to the department; and organize and manage external
- 68 communication on such priority issues.
- 69 d. Promote and facilitate key department initiatives to
- 70 address priority economic issues and explore data and identify
- 71 opportunities for innovative approaches to address such economic
- 72 issues.
- 73 e. Promote strategic planning for the department.
- 74 8. The Division of Labor Standards, which shall:
- 75 a. Administer and enforce s. 24, Art. X of the State

76 Constitution, s. 448.110, and any other statutes and laws, or
 77 parts thereof, that the division has been granted administrative
 78 or enforcement authority over by the Legislature.

79 b. Promote compliance with s. 24, Art. X of the State
 80 Constitution, s. 448.110, and any other statutes and laws, or
 81 parts thereof, that the division has been granted administrative
 82 or enforcement authority over by the Legislature through
 83 investigative and enforcement actions, local outreach, technical
 84 assistance, and training.

85 c. Investigate and ascertain the wages of persons employed
 86 in any occupation or place of employment in the state as the
 87 division finds necessary and proper.

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

90 e. Adopt rules as necessary to carry out the functions and
 91 purposes of the division.

92 (4) The purpose of the department is to assist the
 93 Governor in working with the Legislature, state agencies,
 94 business leaders, and economic development professionals to
 95 formulate and implement coherent and consistent policies and
 96 strategies designed to promote economic opportunities for all
 97 Floridians. The department is the state's chief agency for
 98 business recruitment and expansion, employee protection, and
 99 economic development. To accomplish such purposes, the
 100 department shall:

101 (a) Facilitate the direct involvement of the Governor and
 102 the Lieutenant Governor in economic development and workforce
 103 development projects designed to create, expand, and retain
 104 businesses in this state; to recruit business from around the
 105 world; to promote the state as a pro-business location for new
 106 investment; and to facilitate other job-creating efforts.

107 (b) Recruit new businesses to this state and promote the
 108 expansion of existing businesses by expediting permitting and
 109 location decisions, worker placement and training, and incentive
 110 awards.

111 (c) Promote viable, sustainable communities by providing
 112 technical assistance and guidance on growth and development
 113 issues, grants, and other assistance to local communities.

114 (d) Ensure that the state's goals and policies relating to
 115 economic development, workforce development, community planning
 116 and development, and affordable housing are fully integrated
 117 with appropriate implementation strategies.

118 (e) Manage the activities of public-private partnerships
 119 and state agencies in order to avoid duplication and promote
 120 coordinated and consistent implementation of programs in areas
 121 including, but not limited to, tourism; international trade and
 122 investment; business recruitment, creation, retention, and
 123 expansion; minority and small business development; defense,
 124 space, and aerospace development; rural community development;
 125 and the development and promotion of professional and amateur

126 sporting events.

127 (f) Coordinate with state agencies on the processing of
128 state development approvals or permits to minimize the
129 duplication of information provided by the applicant and the
130 time before approval or disapproval.

131 (g) Contract with the Florida Sports Foundation to guide,
132 stimulate, and promote the sports industry in this state; to
133 promote the participation of residents of this state in amateur
134 athletic competition; and to promote this state as a host for
135 national and international amateur athletic competitions.

136 (h) Encourage and oversee the coordination of
137 international trade development efforts of public institutions,
138 business associations, economic development councils, and
139 private industry.

140 (i) Contract with the direct-support organization created
141 in s. 288.012, to assist with coordination described in
142 paragraph (h); provide services through State of Florida
143 international offices; and assist in developing and carrying out
144 the 5-year statewide strategic plan as it relates to foreign
145 investment, international partnerships, and other international
146 business and trade development.

147 (j) Support Florida's defense, space, and aerospace
148 industries, including research and development, and strengthen
149 this state's existing leadership in defense, space, and
150 aerospace activity and economic growth.

151 (k) Assist, promote, and enhance economic opportunities
 152 for this state's minority-owned businesses and rural and urban
 153 communities.

154 (l) Contract with the Florida Tourism Industry Marketing
 155 Corporation to execute tourism promotion and marketing services,
 156 functions, and programs for the state and advise the department
 157 on the development of domestic and international tourism
 158 marketing campaigns featuring this state.

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

162 Section 2. Paragraph (a) of subsection (3) of section
 163 448.109, Florida Statutes, is amended to read:

164 448.109 Notification of the state minimum wage.—

165 (3)(a) Each year the Division of Labor Standards
 166 ~~Department of Economic Opportunity~~ shall, on or before December
 167 1, create and make available to employers a poster in English,
 168 and in Spanish, and any other languages, as necessary. The
 169 poster must give notice of all of the following:

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

172 2. The right to be protected from retaliation for
 173 exercising in good faith any right protected under s. 24, Art. X
 174 of the State Constitution and s. 448.110.

175 3. The right to file a complaint with the Division of

176 Labor Standards or bring a civil action in a court of competent
 177 jurisdiction for a violation of s. 24, Art. X of the State
 178 Constitution or s. 448.110. which reads substantially as
 179 follows:

180 ~~NOTICE TO EMPLOYEES~~

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

185 ~~The rate of the minimum wage is recalculated yearly on September~~
 186 ~~30, based on the Consumer Price Index. Every year on January 1~~
 187 ~~the new Florida minimum wage takes effect.~~

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

- 191 ~~1. File a complaint about an employer's alleged~~
- 192 ~~noncompliance with lawful minimum wage requirements.~~
- 193 ~~2. Inform any person about an employer's alleged~~
- 194 ~~noncompliance with lawful minimum wage requirements.~~
- 195 ~~3. Inform any person of his or her potential rights under~~
- 196 ~~Section 24, Article X of the State Constitution and to~~
- 197 ~~assist him or her in asserting such rights.~~

198 ~~An employee who has not received the lawful minimum wage after~~
 199 ~~notifying his or her employer and giving the employer 15 days to~~
 200 ~~resolve any claims for unpaid wages may bring a civil action in~~

201 ~~a court of law against an employer to recover back wages plus~~
 202 ~~damages and attorney's fees.~~

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

206 ~~The Attorney General or other official designated by the~~
 207 ~~Legislature may bring a civil action to enforce the minimum~~
 208 ~~wage.~~

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

210 Section 3. Section 448.110, Florida Statutes, is amended
 211 to read:

212 448.110 State minimum wage; annual wage adjustment;
 213 enforcement.—

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

216 (2) The purpose of this section is to provide measures
 217 appropriate for the implementation of s. 24, Art. X of the State
 218 Constitution, in accordance with authority granted to the
 219 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State
 220 Constitution. To implement s. 24, Art. X of the State
 221 Constitution, the Division of Labor Standards, a division within
 222 the Department of Commerce ~~Department of Economic Opportunity~~ is
 223 designated as the state Agency for Workforce Innovation.

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

225 (a) "Adverse action" means the discharge, suspension,

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226 transfer, or demotion of an employee; the withholding of wage,
227 bonuses, benefits, or workable hours; filing, or threatening to
228 file, a false report with a government agency or engaging in
229 unfair immigration-related practices; or any other adverse
230 action taken against an employee within the terms and conditions
231 of employment by an employer.

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

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

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

242 3. The state or a political subdivision of the state.

243 (c) "Director" means the director of the Division of Labor
244 Standards.

245 (d) "Division" means the Division of Labor Standards of
246 the Department of Commerce.

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

250 (f) "Employer" has the same meaning as established under

251 the federal Fair Labor Standards Act and its implementing
 252 regulations in effect on July 1, 2024.

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

256 (h) "Labor contractor" means a person or entity that
 257 supplies, with or without a contract, a client employer with
 258 employees to perform labor within the client employer's usual
 259 course of business. The term does not include a bona fide
 260 nonprofit, community-based organization that provides services
 261 to employees or a labor organization or apprenticeship program
 262 operating under a collective bargaining agreement.

263 (i) "Usual course of business" means the regular and
 264 customary work of a business performed within or upon the
 265 premises or worksite of the client employer.

266 (4)~~(3)~~ Employers shall pay employees a minimum wage at an
 267 hourly rate of \$6.15 for all hours worked in Florida. Only those
 268 individuals entitled to receive the federal minimum wage under
 269 the federal Fair Labor Standards Act, as amended, and its
 270 implementing regulations shall be eligible to receive the state
 271 minimum wage under ~~pursuant to~~ s. 24, Art. X of the State
 272 Constitution and this section. Sections 213 and 214 ~~The~~
 273 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor
 274 Standards Act, as interpreted by applicable federal regulations
 275 and implemented by the Secretary of Labor, are incorporated

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276 herein.

277 (5)(a)~~(4)(a)~~ Beginning September 30, 2005, and annually on
278 September 30 thereafter, the division ~~department of Economic~~
279 ~~Opportunity~~ shall calculate an adjusted state minimum wage rate
280 by increasing the state minimum wage by the rate of inflation
281 for the 12 months prior to September 1. In calculating the
282 adjusted state minimum wage, the division ~~department of Economic~~
283 ~~Opportunity~~ shall use the Consumer Price Index for Urban Wage
284 Earners and Clerical Workers, not seasonally adjusted, for the
285 South Region or a successor index as calculated by the United
286 States Department of Labor. Each adjusted state minimum wage
287 rate shall take effect on the following January 1, with the
288 initial adjusted minimum wage rate to take effect on January 1,
289 2006.

290 (b) The Department of Revenue and the division ~~department~~
291 ~~of Economic Opportunity~~ shall annually publish the amount of the
292 adjusted state minimum wage and the effective date. Publication
293 shall occur by posting the adjusted state minimum wage rate and
294 the effective date on the Internet home pages of the division
295 ~~department of Economic Opportunity~~ and the Department of Revenue
296 by October 15 of each year. In addition, to the extent funded in
297 the General Appropriations Act, the division ~~department of~~
298 ~~Economic Opportunity~~ shall provide written notice of the
299 adjusted rate and the effective date of the adjusted state
300 minimum wage to all employers registered in the most current

301 reemployment assistance database. Such notice shall be mailed by
302 November 15 of each year using the addresses included in the
303 database. Employers are responsible for maintaining current
304 address information in the reemployment assistance database. The
305 division ~~department of Economic Opportunity~~ is not responsible
306 for failure to provide notice due to incorrect or incomplete
307 address information in the database. The division ~~department of~~
308 ~~Economic Opportunity~~ shall provide the Department of Revenue
309 with the adjusted state minimum wage rate information and
310 effective date in a timely manner.

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

316 (b) Rights protected under s. 24, Art. X of the State
317 Constitution and this section include, but are not limited to:⁷

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

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

326 3. The right to file a complaint with the division or file
327 a civil action in a court of competent jurisdiction for an
328 alleged violation of s. 24, Art. X of the State Constitution or
329 this section.

330 4. The right to cooperate with any investigation conducted
331 under this section and to testify in any proceeding or action
332 brought under this section.

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

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

338 (c) There is a rebuttable presumption that an employer has
339 violated s. 24, Art. X of the State Constitution or this section
340 if the employer takes adverse action against an employee within
341 90 days after the employee exercises a right under paragraph
342 (b). If an employee is a seasonal worker and his or her work
343 ended before the end of the 90-day period, the rebuttable
344 presumption applies if the employer fails to rehire the seasonal
345 worker in the same position at the next opportunity. The
346 rebuttable presumption may be overcome by clear and convincing
347 evidence.

348 (d) The protections provided under this section apply to
349 any employee who alleges a violation of s. 24, Art. X of the
350 State Constitution or this section in good faith. Any complaint

351 or other communication by an employee alleging a violation of s.
 352 24, Art. X of the State Constitution or this section triggers
 353 the protections under this section even if the complaint or
 354 communication does not specifically reference this section.

355 (e) An employee who believes he or she has been
 356 discriminated or retaliated against for exercising a right under
 357 s. 24, Art. X of the State Constitution or this section may file
 358 a complaint with the division or a civil action in a court of
 359 competent jurisdiction within 4 years after the alleged
 360 violation or, in the case of a willful violation, within 5 years
 361 after the alleged violation.

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

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

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

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

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

373 (a) To misclassify an employee as an independent
 374 contractor; or

375 (b) For a person or an entity to enter into a contract or

376 an agreement with an independent contractor for labor or
377 services if the person or entity knows or should know that the
378 contract or agreement does not include funds sufficient to allow
379 the independent contractor to comply with all applicable local,
380 state, and federal laws or regulations governing the labor or
381 services to be provided.

382 (9)(a) The division may commence investigations, actions,
383 and proceedings necessary to enforce this section. The division
384 has the sole discretion whether to investigate an employer to
385 determine if a violation of this section has occurred.

386 (b) In order to encourage a person or organization to
387 report a suspected violation of this section, the division:

388 1. Must keep the name and other identifying information
389 about the reporter confidential to the extent permitted by law.
390 The division may disclose the reporter's name or identification
391 with the written consent of the reporter.

392 2. Must provide a notice form to an employer being
393 investigated, which must be posted in a conspicuous and
394 accessible location at the workplace, notifying the employees
395 that the division is conducting an investigation under this
396 section. The notice form must be in English and any other
397 language that is the primary language of a majority of the
398 employees in the workplace. If display of the notice form is not
399 feasible, the employer must provide it to each employee through
400 electronic means and also provide each employee a physical copy

401 of the notice form.

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

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

408 1. Enter and inspect the workplace.

409 2. Inspect and make copies of papers, books, accounts,
410 records, payroll, and other documents necessary to further its
411 investigation.

412 3. Question witnesses under oath and in a private
413 location.

414 4. Issue subpoenas to compel the attendance and testimony
415 of witnesses and the production of papers, books, accounts,
416 records, payroll, and other documents necessary to further its
417 investigation.

418 5. Take depositions and affidavits.

419 6. Investigate any facts, conditions, practices, or
420 matters as the division deems appropriate to determine whether a
421 violation of this section has occurred.

422 (b) If an employer fails to comply with a lawfully issued
423 subpoena or if a witness refuses to testify or be questioned,
424 the division may request that the court compel compliance by
425 initiating a proceeding for contempt. The court shall take

426 judicial notice under s. 90.202(13) of the Department of
427 Commerce's seal, "Department of Commerce-State of Florida," and
428 shall enforce any subpoena issued by the director or his or her
429 representative under such seal.

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

433 (11) (a) During the course of an investigation under this
434 section or if the director reasonably believes that an employer
435 has engaged in, is engaging in, or is about to engage in, a
436 violation of this section, the division or the Attorney General
437 may seek injunctive relief to:

438 1. Prohibit the employer from continuing to engage or
439 engaging in the violation or doing any acts in furtherance of
440 the violation.

441 2. Prevent violations or attempted violations of this
442 section.

443 3. Attempt to interfere with or impede the enforcement of
444 this section.

445 4. Exercise or perform any power or duty under this
446 section.

447 (b) When determining whether injunctive relief is
448 appropriate, the court shall consider any potential or direct
449 harm to an employee from a violation of this section and the
450 chilling effect on other employees attempting to assert their

451 rights under this section.

452 (c) A temporary injunction remains in effect until the
453 division issues a citation to the employer or until the
454 completion of an administrative hearing, whichever is longer, or
455 until a time certain set by the court. A temporary injunction
456 does not prohibit an employer from taking adverse action against
457 an employee for conduct unrelated to an alleged violation of
458 this section.

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

461 (12) (a) If a violation of this section is found during an
462 investigation and the violation is not remedied through
463 settlement or otherwise, the division must issue a citation to
464 the employer. The citation must be in writing and describe the
465 nature of the violation and include any and all appropriate
466 relief. Appropriate relief includes, but is not limited to,
467 requiring an employer to cease and desist; to take any action
468 necessary to remedy the violation, such as rehiring or
469 reinstating an employee, reimbursing lost wages plus interest,
470 or paying liquidated damages in an amount equal to two times the
471 unpaid wages, or other fines and penalties, including a fine of
472 not more than \$50 for each day a violation continues to exist
473 and for each employee to whom the violation occurred payable to
474 the state or aggrieved employee; to take training classes
475 relating to compliance with this section; or to submit to

476 compliance monitoring by the division. The division shall serve
477 the citation in a manner provided by the Florida Rules of Civil
478 Procedure. The citation must advise the employer of his or her
479 right to an administrative hearing to have the citation
480 reviewed.

481 (b) Within 30 days after service of a citation, an
482 employer must comply with all appropriate relief specified in
483 the citation or may obtain review of the citation by providing a
484 written request for review to the director. Upon receipt of a
485 written request for review, the director shall assign the
486 citation to an administrative law judge to conduct a hearing and
487 issue a written decision. Hearings conducted under this
488 subsection are governed by the division and the rules of
489 practice and procedure adopted by the division.

490 (c) An administrative hearing must commence within 90 days
491 after receipt of a timely submitted request for review. The
492 administrative law judge must render a written decision within
493 90 days after the conclusion of the hearing. The decision must
494 include a statement of findings, conclusions of law, and a
495 recommended order that specifies all appropriate relief as
496 authorized under paragraph (a), including the amount required
497 for an appeal bond should the employer choose to obtain review
498 of the order issued under this paragraph. The decision must be
499 served on all parties in a manner provided by the Florida Rules
500 of Civil Procedure. If the recommended order includes a monetary

501 remedy, the amount is due 45 days after the written decision is
502 properly served on the employer.

503 (d)1. An employer may obtain review of the written
504 decision and order issued under paragraph (c) by filing a
505 petition for a writ of mandamus to a court having jurisdiction
506 within 45 days after the written decision is properly served on
507 the employer. If a petition for a writ of mandamus is not filed
508 within the appropriate time, the recommended order in the
509 written decision becomes final.

510 2. Before an employer may obtain review of the decision,
511 he or she must post an appeal bond, in the amount specified in
512 the recommended order, issued by a licensed surety or as a cash
513 deposit with the court. The employer shall provide written
514 notice to the division and any other parties of the posting of
515 the appeal bond.

516 3. A court may overturn a decision based on abuse of
517 discretion. An employer establishes an abuse of discretion if he
518 or she alleges that the findings are not supported by the
519 evidence and the court determines that the findings are not
520 supported by substantial evidence when looking at the entire
521 record.

522 4. If the court issues an order in favor of the aggrieved
523 party or if the appeal is withdrawn or dismissed without entry
524 of judgment, the employer is liable for the relief specified in
525 the written decision from the administrative hearing, unless the

526 parties execute a settlement agreement, in which case the
527 employer is liable for the relief specified in the settlement
528 agreement. If the written decision from the administrative
529 hearing or the settlement agreement provide for monetary relief,
530 and the employer fails to pay the amount owed within 10 days
531 after entry of a judgment, dismissal or withdrawal of the
532 appeal, or the execution of a settlement agreement, a portion of
533 the appeal bond equal to the amount owed, or the entire appeal
534 bond if the amount owed exceeds the amount of the bond, must be
535 paid to the aggrieved party.

536 5. If the employer does not request review of the citation
537 under paragraph (b), file a writ of mandamus under subparagraph
538 1., or post the appeal bond as required in subparagraph 2., and
539 the time to do so has expired, or if the petition for a writ of
540 mandamus is dismissed or withdrawn without entry of judgment,
541 the clerk of the court must certify a copy of the citation or
542 written decision and order issued by the division or by the
543 administrative law judge, respectively, and enter judgment for
544 the state or aggrieved party. The judgment has the same force
545 and effect as a judgment entered in a civil action and may be
546 enforced in the same manner as any other judgment of the court.
547 The court shall give priority to petitions to enforce a judgment
548 entered under this section.

549 6. If an employer fails to comply with a citation or final
550 order, whether issued by the division, administrative law judge,

551 or court, and has exhausted all reviews or appeals or the time
552 to file a review or appeal has expired, the division or the
553 Attorney General may commence and prosecute a civil action to
554 recover unpaid wages, including interest, fines, or penalties;
555 equitable relief; and liquidated damages owed to an aggrieved
556 person. The prevailing party is entitled to applicable fines or
557 civil penalties and reasonable attorney fees and costs.

558 (13) (a) A person aggrieved by a violation of this section
559 may bring a civil action in a court of competent jurisdiction.

560 ~~(6) (a) Any person aggrieved by a violation of this section~~
561 ~~may bring a civil action in a court of competent jurisdiction~~
562 ~~against an employer violating this section or a party violating~~
563 ~~subsection (5). However, prior to bringing any claim for unpaid~~
564 ~~minimum wages pursuant to this section, the person aggrieved~~
565 ~~shall notify the employer alleged to have violated this section,~~
566 ~~in writing, of an intent to initiate such an action. The notice~~
567 ~~must identify the minimum wage to which the person aggrieved~~
568 ~~claims entitlement, the actual or estimated work dates and hours~~
569 ~~for which payment is sought, and the total amount of alleged~~
570 ~~unpaid wages through the date of the notice.~~

571 ~~(b) The employer shall have 15 calendar days after receipt~~
572 ~~of the notice to pay the total amount of unpaid wages or~~
573 ~~otherwise resolve the claim to the satisfaction of the person~~
574 ~~aggrieved. The statute of limitations for bringing an action~~
575 ~~pursuant to this section shall be tolled during this 15-day~~

576 ~~period. If the employer fails to pay the total amount of unpaid~~
577 ~~wages or otherwise resolve the claim to the satisfaction of the~~
578 ~~person aggrieved, then the person aggrieved may bring a claim~~
579 ~~for unpaid minimum wages, the terms of which must be consistent~~
580 ~~with the contents of the notice.~~

581 ~~(e)1. Upon prevailing in a civil ~~an~~ action brought under~~
582 ~~paragraph (6)(e) pursuant to this section, aggrieved persons~~
583 ~~shall recover the full amount of any unpaid back wages, plus~~
584 ~~interest, unlawfully withheld plus up to two times the unpaid~~
585 ~~wages the same amount as liquidated damages and shall be awarded~~
586 ~~reasonable attorney ~~attorney's~~ fees and costs. Additionally, As~~
587 ~~provided under the federal Fair Labor Standards Act, pursuant to~~
588 ~~s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if~~
589 ~~the employer proves by a preponderance of the evidence that the~~
590 ~~act or omission giving rise to such action was in good faith and~~
591 ~~that the employer had reasonable grounds for believing that his~~
592 ~~or her act or omission was not a violation of s. 24, Art. X of~~
593 ~~the State Constitution, the court may, in its sound discretion,~~
594 ~~award no liquidated damages or award any amount thereof not to~~
595 ~~exceed an amount equal to the amount of unpaid minimum wages.~~
596 ~~The court shall not award any economic damages on a claim for~~
597 ~~unpaid minimum wages not expressly authorized in this section.~~

598 ~~2. Upon prevailing in an action brought pursuant to this~~
599 ~~section, aggrieved persons are ~~shall~~ also be entitled to such~~
600 ~~legal or equitable relief as may be appropriate to remedy the~~

601 violation, including, without limitation, reinstatement in
 602 employment and injunctive relief. However, any entitlement to
 603 legal or equitable relief in an action brought under s. 24, Art.
 604 X of the State Constitution or this section may ~~shall~~ not
 605 include punitive damages.

606 (b) In addition to any other remedies or penalties
 607 authorized by law, if an employer is found to have willfully
 608 violated this section, the division, administrative law judge,
 609 or court may impose a fine of \$1,000 per violation payable to
 610 the state.

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

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

622 1. The division, administrative law judge, or court may
 623 order reinstatement of the aggrieved party, front pay in lieu of
 624 reinstatement, backpay, liquidated damages up to two times the
 625 amount of the unpaid wages, and other compensatory damages as

626 appropriate.

627 2. The division, administrative law judge, or court may
 628 impose an administrative penalty not to exceed \$5,000 payable to
 629 the aggrieved party.

630 (e) In addition to any other remedies or penalties
 631 authorized by law, if the division, administrative law judge, or
 632 court finds that an employer or entity violated subsection (8),
 633 the division, administrative law judge, or court may impose the
 634 following:

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

638 2. A civil penalty up to \$5,000 per violation, payable to
 639 the state.

640 (f)(d) Any civil action brought under s. 24, Art. X of the
 641 State Constitution and this section is ~~shall be~~ subject to s.
 642 768.79.

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

649 (14)(8) The statute of limitations for an action brought
 650 under ~~pursuant to~~ this section is ~~shall be~~ for the period of

651 time specified in s. 95.11 beginning on the date the alleged
 652 violation occurred. The statute of limitations applicable to an
 653 action under this section is tolled during the division's
 654 investigation and any administrative enforcement under this
 655 section.

656 ~~(15)(9)~~ Actions brought under ~~pursuant to~~ this section may
 657 be brought as a class action pursuant to Rule 1.220, Florida
 658 Rules of Civil Procedure. In any class action brought under
 659 ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove, by a
 660 preponderance of the evidence, the individual identity of each
 661 class member and the individual damages of each class member.

662 ~~(16)(10)~~ This section is ~~shall constitute~~ the exclusive
 663 remedy under state law for violations of s. 24, Art. X of the
 664 State Constitution.

665 (17) The division shall make reasonable efforts to ensure
 666 that judgments against an employer are satisfied and may use any
 667 remedy that is available to a judgment creditor to collect an
 668 unsatisfied judgment. The division may collect wages, damages,
 669 and other monetary remedies on behalf of an employee. The
 670 division acts as the trustee of any unsatisfied judgment it
 671 collects and shall deposit such wages, damages, or other
 672 monetary remedy in the appropriate fund as provided by rule. The
 673 division shall conduct a diligent search for any employee for
 674 whom it collects an unsatisfied judgment.

675 (18) (a) Beginning on the 20th day after a judgment is

676 entered by the clerk of the court under paragraph (12)(d) or
677 otherwise by a court of competent jurisdiction in favor of the
678 state or aggrieved party, the division may issue a notice of
679 levy on all persons having in their possession or under their
680 control any credits, money, or property belonging to the
681 judgment debtor. If the levy is made on credits, money, or
682 property in the possession or under the control of a bank,
683 savings and loan association, or other financial institution as
684 defined in 42 U.S.C. s. 669a(d)(1), the notice of levy may be
685 mailed or hand-delivered to a centralized location designated by
686 the bank, savings and loan association, or other financial
687 institution.

688 (b) Any person who receives a notice of levy shall
689 surrender the credits, money, or property to the division or pay
690 to the division the amount of any debt owed within 10 days after
691 service of the levy. Any person who surrenders to the division
692 any credits, money, or property of the judgment debtor is
693 discharged from any obligation or liability to the judgment
694 debtor relating to the amount paid to the division.

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

699 (d) Any fees, commissions, expenses, or costs associated
700 with the sale of property levied under this subsection are the

701 obligation of the judgment debtor and may be collected by virtue
702 of the levy or in any other manner as though the fees,
703 commissions, expenses, or costs were part of the judgment.

704 (e) The division may create a lien on any real or personal
705 property of an employer found in violation of s. 24, Art. X of
706 the State Constitution or this section. The division must
707 release the lien upon final satisfaction of any judgment entered
708 in favor of an aggrieved party or the division, or upon
709 adjudication of the claim in favor of the employer. A lien
710 created under this paragraph lasts 10 years after the date it is
711 created unless the lien is satisfied or released. A lien created
712 under this paragraph is in addition to any other rights
713 available to an aggrieved party or the division.

714 (19) (a) If a citation issued by the division, written
715 decision and order issued by an administrative law judge, or
716 final judgment awarded under this section remains unsatisfied 30
717 days after all reviews and appeals have been exhausted or the
718 time to request a review or file an appeal has expired, the
719 division may issue a stop-order prohibiting the employer from
720 conducting business in the state using employee labor, including
721 conducting business using the labor of another business,
722 contractor, or subcontractor instead of the labor of an
723 employee, until the judgment is satisfied. The stop-order is
724 effective upon receipt of the order and the employer must pay
725 employees up to 10 days of lost wages due to the stop-order.

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

739 (c) An employer, owner, director, officer, or managing
740 agent of an employer who fails to comply with a stop-order
741 issued under this subsection is guilty of a misdemeanor of the
742 second degree, punishable as provided in s. 775.082 or s.
743 775.083.

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

747 (20) If a citation issued by the division, written
748 decision and order issued by an administrative law judge, or
749 final judgment awarded under this section remains unsatisfied 30
750 days after all reviews or appeals have been exhausted or the

751 time to request a review or file an appeal has expired, the
752 division may request that the appropriate state agency, and the
753 state agency is authorized to, deny, suspend, or revoke any
754 license held by the employer until such time as the judgment is
755 satisfied.

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

762 (22) All employers, client employers, and labor
763 contractors shall create records documenting compliance with s.
764 24, Art. X of the State Constitution and this section in
765 accordance with division rules. Records must be maintained for a
766 minimum of 5 years after an employee leaves the employment of
767 the employer or client employer, or is no longer working with a
768 labor contractor. An employer, a client employer, or a labor
769 contractor must allow the division reasonable access to the
770 records when requested. If an employee, or other authorized
771 person or entity, alleges a violation of s. 24, Art. X of the
772 State Constitution or this section and the employer, client
773 employer, or labor contractor has not created and maintained
774 records as required under this subsection, there is a rebuttable
775 presumption that the employer, client employer, or labor

776 contractor is in violation of the law. The employer, client
 777 employer, or labor contractor can overcome this presumption with
 778 clear and convincing evidence.

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

782 (24) Subject to appropriation of funds by the Legislature,
 783 the division shall establish and maintain an outreach and
 784 education partnership program to promote awareness of, and
 785 compliance with, s. 24, Art. X of the State Constitution and
 786 this section. The division shall pursue partnerships with
 787 community-based organizations and unions through a competitive
 788 request for proposals. Duties of the outreach and education
 789 partnership program may include:

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

792 (b) Conducting educational training for employers about
 793 their obligations.

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

797 (d) Assisting the division in conducting investigations
 798 under this section, including the collection of evidence and
 799 enforcement of a judgment.

800 (e) Monitoring compliance with s. 24, Art. X of the State

801 Constitution and this section.

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

804 (g) Producing and disseminating training materials to
 805 employers and employees.

806 (25)-(11) Except for calculating the adjusted state minimum
 807 wage and publishing the initial state minimum wage and any
 808 annual adjustments thereto, the authority of the division
 809 ~~department of Economic Opportunity~~ in implementing s. 24, Art. X
 810 of the State Constitution, pursuant to this section, is shall be
 811 limited to that authority expressly granted by the Legislature.

812 Section 4. Section 448.112, Florida Statutes, is created
 813 to read:

814 448.112 Division of Labor Standards Community Advisory
 815 Board.—The Division of Labor Standards Community Advisory Board
 816 is established within the Division of Labor Standards.

817 (1) The advisory board shall consist of the following
 818 members who must be approved by the director of the Division of
 819 Labor Standards:

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

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

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

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

824 (e) A representative from a small business as defined in
 825 s. 288.703.

826 (f) Four representatives from labor organizations as
827 defined in s. 447.02(1) throughout the state.

828 (2) Members of the advisory board shall be appointed for
829 2-year terms, which shall be staggered.

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

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

837 (5) The advisory board shall submit an annual report to
838 the director of the Division of Labor Standards recommending
839 changes to existing state policies and programs to ensure
840 employee safety and equity, with particular emphasis on racial
841 equity and low-wage and migrant workers.

842 (6) By January 1, 2025, and annually thereafter, the
843 director of the Division of Labor Standards shall submit the
844 annual report to the Governor, the President of the Senate, and
845 the Speaker of the House of Representatives.

846 Section 5. This act shall take effect July 1, 2024.