

By Senator Torres

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1                                   A bill to be entitled  
2       An act relating to the Department of Labor; creating  
3       s. 20.71, F.S.; creating the Department of Labor,  
4       headed by the Secretary of Labor, who is appointed by  
5       the Governor and confirmed by the Senate; authorizing  
6       the secretary to establish divisions and regional  
7       offices of the department; requiring that the  
8       headquarters of the department be located in  
9       Tallahassee; providing the purpose of the department;  
10      authorizing the department to adopt rules; amending s.  
11      448.109, F.S.; conforming provisions to changes made  
12      by the act; amending s. 448.110, F.S.; designating the  
13      Department of Labor as the state Agency for Workforce  
14      Innovation for purposes of implementing s. 24, Art. X  
15      of the State Constitution; defining terms; revising  
16      the protected rights of an employee; creating a  
17      rebuttable presumption and burden of proof for an  
18      employer; revising the process for filing a complaint  
19      or a civil action for a violation of protected rights;  
20      providing that employers have the burden of proving  
21      that the complainant is not an employee; providing a  
22      presumption regarding employment status in the absence  
23      by proof to the contrary; authorizing the department  
24      to conduct investigations, issue citations, enforce  
25      and collect judgments by certain means, and enter into  
26      agreements with other agencies to assist it with  
27      administration and enforcement; subject to the  
28      appropriation of funds for that purpose, requiring the  
29      department to establish and maintain an outreach and

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30 education partnership program for a specified purpose;  
31 specifying the powers of the department in connection  
32 with its powers and duties; providing for injunctive  
33 relief under certain circumstances; providing a  
34 process for review of a citation, levy, or stop-order  
35 issued by the department; providing penalties,  
36 including criminal penalties; tolling the statute of  
37 limitations during an investigation; providing  
38 liability; requiring that certain records be  
39 maintained for a specified length of time; conforming  
40 provisions to changes made by the act; providing an  
41 effective date.

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

44  
45 Section 1. Section 20.71, Florida Statutes, is created to  
46 read:

47 20.71 Department of Labor; creation; powers and duties.-

48 (1) There is created the Department of Labor.

49 (2) The head of the department is the Secretary of Labor,  
50 who shall be appointed by the Governor, subject to confirmation  
51 by the Senate. The secretary shall serve at the pleasure of, and  
52 report to, the Governor.

53 (3) The secretary may establish divisions within the  
54 department and allocate various functions of the department  
55 among such divisions.

56 (4) (a) The headquarters of the department must be located  
57 in Tallahassee. However, the department may establish regional  
58 offices throughout this state as the secretary deems necessary

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59 for the efficient operation of the department in accomplishing  
 60 its purpose.

61 (b) The purpose of the department is to enforce s. 24, Art.  
 62 X of the State Constitution, s. 448.110, and any other law that  
 63 the department has enforcement authority over as designated by  
 64 the Legislature.

65 (5) The department may adopt rules as necessary to carry  
 66 out the functions and purposes of the department.

67 Section 2. Paragraph (a) of subsection (3) of section  
 68 448.109, Florida Statutes, is amended to read:

69 448.109 Notification of the state minimum wage.-

70 (3) (a) Each year the Department of Labor ~~Department of~~  
 71 ~~Economic Opportunity~~ shall, on or before December 1, create and  
 72 make available to employers a poster in English and in Spanish  
 73 which reads substantially as follows:

74  
 75 NOTICE TO EMPLOYEES

76  
 77 The Florida minimum wage is \$ ...(amount)... per hour, with a  
 78 minimum wage of at least \$ ...(amount)... per hour for tipped  
 79 employees, in addition to tips, for January 1, ...(year)...,  
 80 through December 31, ...(year)....

81  
 82 The rate of the minimum wage is recalculated yearly on September  
 83 30, based on the Consumer Price Index. Every year on January 1  
 84 the new Florida minimum wage takes effect.

85  
 86 An employer may not retaliate against an employee for exercising  
 87 his or her right to receive the minimum wage. Rights protected

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88 by the State Constitution include the right to:

- 89 1. File a complaint about an employer's alleged  
90 noncompliance with lawful minimum wage requirements.  
91 2. Inform any person about an employer's alleged  
92 noncompliance with lawful minimum wage requirements.  
93 3. Inform any person of his or her potential rights under  
94 Section 24, Article X of the State Constitution and section  
95 448.110, Florida Statutes, and to assist him or her in  
96 asserting such rights.

97  
98 An employee who has not received the lawful minimum wage ~~after~~  
99 ~~notifying his or her employer and giving the employer 15 days to~~  
100 ~~resolve any claims for unpaid wages~~ may file a complaint with  
101 the Department of Labor or bring a civil action in a court of  
102 law against an employer to recover back wages plus damages and  
103 attorney ~~attorney's~~ fees.

104  
105 An employer found liable for intentionally violating minimum  
106 wage requirements is subject to a fine of \$1,000 per violation,  
107 payable to the state.

108  
109 The Department of Labor ~~Attorney General or other official~~  
110 ~~designated by the Legislature~~ may bring a civil action to  
111 enforce the minimum wage.

112  
113 For details see Section 24, Article X of the State Constitution  
114 and section 448.110, Florida Statutes.

115 Section 3. Section 448.110, Florida Statutes, is amended to  
116 read:

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117 448.110 State minimum wage; annual wage adjustment;  
118 enforcement.—

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

121 (2) The purpose of this section is to provide measures  
122 appropriate for the implementation of s. 24, Art. X of the State  
123 Constitution, in accordance with authority granted to the  
124 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State  
125 Constitution. To implement s. 24, Art. X of the State  
126 Constitution, the Department of Labor ~~Department of Economic~~  
127 ~~Opportunity~~ is designated as the state Agency for Workforce  
128 Innovation.

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

130 (a) "Adverse action" means the discharge, suspension,  
131 transfer, or demotion of an employee; the withholding of wage,  
132 bonuses, benefits, or workable hours; filing, or threatening to  
133 file, a false report with a government agency or engaging in  
134 unfair immigration-related practices; or any other adverse  
135 action taken against an employee within the terms and conditions  
136 of employment by an employer.

137 (b) "Client employer" means a business entity, regardless  
138 of its form, which obtains or is supplied employees by a labor  
139 contractor to perform labor within its usual course of business.

140 The term does not include:

141 1. A business entity with a workforce of 25 or fewer  
142 employees, including those hired directly by the client employer  
143 and those obtained from or supplied by a labor contractor.

144 2. A business entity with a workforce of 5 or fewer  
145 employees supplied by a labor contractor to the client employer

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146 at any given time.

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

148 (c) "Department" means the Department of Labor as created  
149 in s. 20.71.

150 (d) "Employee" has the same meaning as established under  
151 the federal Fair Labor Standards Act and its implementing  
152 regulations in effect on July 1, 2021.

153 (e) "Employer" has the same meaning as established under  
154 the federal Fair Labor Standards Act and its implementing  
155 regulations in effect on July 1, 2021.

156 (f) "Judgment debtor" means each person who is liable on a  
157 judgment or order to pay a sum of money which remains  
158 unsatisfied.

159 (g) "Labor contractor" means a person or entity that  
160 supplies, with or without a contract, a client employer with  
161 employees to perform labor within the client employer's usual  
162 course of business. The term does not include a bona fide  
163 nonprofit, community-based organization that provides services  
164 to employees or a labor organization or apprenticeship program  
165 operating under a collective bargaining agreement.

166 (h) "Usual course of business" means the regular and  
167 customary work of a business performed within or on the premises  
168 or worksite of the client employer.

169 (4)~~(3)~~ Effective May 2, 2005, employers shall pay employees  
170 a minimum wage at an hourly rate of \$6.15 for all hours worked  
171 in Florida. Only those individuals entitled to receive the  
172 federal minimum wage under the federal Fair Labor Standards Act  
173 and its implementing regulations shall be eligible to receive  
174 the state minimum wage under ~~pursuant to~~ s. 24, Art. X of the

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175 State Constitution and this section. Sections 213 and 214 ~~The~~  
176 ~~provisions of ss. 213 and 214~~ of the federal Fair Labor  
177 Standards Act, as interpreted by applicable federal regulations  
178 and implemented by the Secretary of Labor, are incorporated  
179 herein.

180 (5) (a) ~~(4) (a)~~ Beginning September 30, 2005, and annually on  
181 September 30 thereafter, the department of ~~Economic Opportunity~~  
182 shall calculate an adjusted state minimum wage rate by  
183 increasing the state minimum wage by the rate of inflation for  
184 the 12 months prior to September 1. In calculating the adjusted  
185 state minimum wage, the department of ~~Economic Opportunity~~ shall  
186 use the Consumer Price Index for Urban Wage Earners and Clerical  
187 Workers, not seasonally adjusted, for the South Region or a  
188 successor index as calculated by the United States Department of  
189 Labor. Each adjusted state minimum wage rate shall take effect  
190 on the following January 1, with the initial adjusted minimum  
191 wage rate to take effect on January 1, 2006.

192 (b) The Department of Revenue and the department of ~~of~~  
193 ~~Economic Opportunity~~ shall annually publish the amount of the  
194 adjusted state minimum wage and the effective date. Publication  
195 shall occur by posting the adjusted state minimum wage rate and  
196 the effective date on the Internet home pages of the department  
197 of ~~Economic Opportunity~~ and the Department of Revenue by October  
198 15 of each year. In addition, to the extent funded in the  
199 General Appropriations Act, the department of ~~Economic~~  
200 ~~Opportunity~~ shall provide written notice of the adjusted rate  
201 and the effective date of the adjusted state minimum wage to all  
202 employers registered in the most current reemployment assistance  
203 database. Such notice shall be mailed by November 15 of each

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204 year using the addresses included in the database. Employers are  
205 responsible for maintaining current address information in the  
206 reemployment assistance database. The department ~~of Economic~~  
207 ~~Opportunity~~ is not responsible for failure to provide notice due  
208 to incorrect or incomplete address information in the database.  
209 The department ~~of Economic Opportunity~~ shall provide the  
210 Department of Revenue with the adjusted state minimum wage rate  
211 information and effective date in a timely manner.

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

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

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

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

227 3. The right to file a complaint with the department or  
228 file a civil action for an alleged violation of s. 24, Art. X of  
229 the State Constitution or this section.

230 4. The right to cooperate with any investigation conducted  
231 under this section and to testify in any proceeding or action  
232 brought under this section.



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

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

238       (c) There is a rebuttable presumption that an employer has  
239 violated s. 24, Art. X of the State Constitution or this section  
240 if the employer takes adverse action against an employee within  
241 90 days after the employee exercises a right under paragraph  
242 (b). If an employee is a seasonal worker and his or her work  
243 ended before the end of the 90-day period, the rebuttable  
244 presumption applies if the employer fails to rehire the seasonal  
245 worker in the same position at the next opportunity. The  
246 rebuttable presumption may be overcome by clear and convincing  
247 evidence.

248       (d) The protections provided under this section apply to  
249 any employee who in good faith alleges a violation of s. 24,  
250 Art. X of the State Constitution or this section. Any complaint  
251 or other communication by an employee alleging a violation of s.  
252 24, Art. X of the State Constitution or this section triggers  
253 the protections under this section even if the complaint or  
254 communication does not specifically reference this section.

255       (e) An employee who believes that he or she has been  
256 discriminated or retaliated against for exercising a right under  
257 s. 24, Art. X of the State Constitution or this section may file  
258 a complaint with the department or a civil action within 4 years  
259 after the alleged violation or, in the case of a willful  
260 violation, within 5 years after the alleged violation.

261       (f) An employer has the burden of proving that a person is

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262 an independent contractor and not an employee. A person who  
263 receives remuneration for services provided is considered an  
264 employee unless the employer proves:

265 1. The person is free from control or direction by the  
266 employer over the performance of such services.

267 2. The services provided by the person are outside the  
268 usual course of business of the employer.

269 3. The person is customarily engaged in an independently  
270 established trade, occupation, profession, or business.

271 (7) (a) The department may commence investigations, actions,  
272 and proceedings necessary to enforce this section. The  
273 department has the sole discretion as to whether to investigate  
274 an employer to determine if a violation of this section has  
275 occurred.

276 (b) In order to encourage a person or organization to  
277 report a suspected violation of this section, the department:

278 1. Shall keep the name and other identifying information of  
279 the reporter confidential to the extent allowed by law. The  
280 department may disclose the reporter's name or identification  
281 with the written consent of the reporter.

282 2. Shall provide a notice form to an employer being  
283 investigated, which must be posted in a conspicuous and  
284 accessible location at the workplace, notifying employees that  
285 the department is conducting an investigation under this  
286 section. The notice form must be in English and the primary  
287 language of the employees in the workplace. If display of the  
288 notice form is not feasible, the employer must provide it to  
289 each employee through electronic means and also provide each  
290 employee a physical copy of the notice form.

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291 3. May certify the eligibility of a person for a visa under  
292 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U), subject to  
293 applicable federal law and regulations, and other rules issued  
294 by the department.

295 (8) (a) During an investigation under this section, the  
296 department has the power to:

297 1. Enter and inspect the workplace.

298 2. Inspect and make copies of papers, books, accounts,  
299 records, payroll, and other documents necessary to further its  
300 investigation.

301 3. Question witnesses under oath and in a private location.

302 4. Issue subpoenas to compel the attendance and testimony  
303 of witnesses and the production of papers, books, accounts,  
304 records, payroll, and other documents necessary to further its  
305 investigation.

306 5. Take depositions and affidavits.

307 6. Investigate any facts, conditions, practices, or matters  
308 as the department deems appropriate to determine whether a  
309 violation of this section has occurred.

310 (b) If an employer fails to comply with a lawfully issued  
311 subpoena or a witness refuses to testify or be questioned, the  
312 department may request that the court compel compliance by  
313 initiating a proceeding for contempt.

314 (c) During an administrative or civil proceeding under this  
315 section, an employer may not introduce any documentation as  
316 evidence which was not provided to the department.

317 (9) (a) During the course of an investigation under this  
318 section, the department or the Attorney General may seek  
319 injunctive relief upon a finding of reasonable cause that a

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320 violation has occurred.

321 (b) When determining whether injunctive relief is  
322 appropriate, the court shall consider any direct harm to an  
323 employee from a violation of this section and the chilling  
324 effect on other employees attempting to assert their rights  
325 under this section. Reasonable cause exists for a court to issue  
326 an injunction if an employee has faced adverse action for  
327 asserting his or her rights under this section.

328 (c) A temporary injunction remains in effect until the  
329 department issues a citation to the employer or until the  
330 completion of an administrative hearing, whichever is longer, or  
331 until a time certain set by the court. A temporary injunction  
332 does not prohibit an employer from taking adverse action against  
333 an employee for conduct unrelated to an alleged violation of  
334 this section.

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

337 (10) (a) If a violation of this section is found during an  
338 investigation and the violation has not been remedied by the end  
339 of the investigation, the department shall issue a citation to  
340 the employer. The citation must be in writing and describe the  
341 nature of the violation and include any and all appropriate  
342 relief. Appropriate relief includes requiring an employer to  
343 cease and desist; to take any action necessary to remedy the  
344 violation, such as rehiring or reinstating an employee,  
345 reimbursing lost wages, or paying liquidated damages or other  
346 finances and penalties; to take training classes relating to  
347 compliance with this section; or to submit to compliance  
348 monitoring by the department. The department shall serve the

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349 citation in a manner provided by the Florida Rules of Civil  
350 Procedure. The citation must advise the employer of his or her  
351 right to an administrative hearing to have the citation  
352 reviewed.

353 (b) Within 30 days after service of a citation, an employer  
354 must pay the amount specified in the citation or may seek review  
355 of the citation by providing a written request for review to the  
356 office of the Secretary of Labor. Hearings conducted under this  
357 subsection are governed by the department and the rules of  
358 practice and procedure adopted by the department.

359 (c) An administrative hearing must commence within 90 days  
360 after receipt of a timely submitted request for review. The  
361 hearing officer must render a written decision within 90 days  
362 after the conclusion of the hearing. The decision must include a  
363 statement of findings, conclusions of law, and a recommended  
364 order. The decision must be served on all parties in a manner  
365 provided by the Florida Rules of Civil Procedure. If the  
366 recommended order includes a monetary remedy, the amount is due  
367 45 days after the written decision is properly served on the  
368 employer.

369 (d)1. An employer may obtain review of the written decision  
370 and order issued under paragraph (c) by filing a petition for a  
371 writ of mandamus to a court having jurisdiction within 45 days  
372 after service of the decision. If a petition for a writ of  
373 mandamus is not filed within the appropriate time, the  
374 recommended order in the written decision becomes final.

375 2. Before an employer may obtain review of the decision, he  
376 or she must post an appeal bond, in the amount specified in the  
377 recommended order, issued by a licensed surety or as a cash

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378 deposit with the court. The employer shall provide written  
379 notice to the department and any other parties of the posting of  
380 the appeal bond.

381 3. A court may overturn a decision based on abuse of  
382 discretion. An employer establishes an abuse of discretion if he  
383 or she alleges that the findings are not supported by the  
384 evidence and the court determines that the findings are not  
385 supported by substantial evidence when looking at the entire  
386 record.

387 4. If the court issues an order in favor of the aggrieved  
388 party or if the appeal is withdrawn or dismissed without entry  
389 of judgment, the employer is liable for the amount in the  
390 written decision from the administrative hearing, unless the  
391 parties execute a settlement agreement, in which case the  
392 employer is liable for the amount in the settlement agreement.  
393 If the employer fails to pay the amount owed within 10 days  
394 after entry of a judgment, dismissal or withdrawal of the  
395 appeal, or the execution of a settlement agreement, a portion of  
396 the appeal bond equal to the amount owed or, if the amount owed  
397 exceeds the amount of the bond, the entire appeal bond shall be  
398 paid to the aggrieved party.

399 5. If the employer does not file a petition for a writ of  
400 mandamus under subparagraph 1. or fails to post the appeal bond  
401 as required in subparagraph 2., or if the petition is dismissed  
402 or withdrawn without entry of judgment, the clerk of the court  
403 must certify a copy of the written decision and order issued at  
404 the administrative hearing and enter judgment for the state or  
405 aggrieved party. The judgment has the same force and effect as a  
406 judgment entered in a civil action and may be enforced in the

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407 same manner as any other judgment of the court. The court must  
408 give priority to petitions to enforce a judgment entered under  
409 this section.

410 6. If an employer fails to comply with a final order,  
411 whether issued by a hearing officer or the court, and has  
412 exhausted all appeals, the department or the Attorney General  
413 may commence and prosecute a civil action to recover unpaid  
414 wages, including interest, fines, or penalties; equitable  
415 relief; or liquidated damages owed to an aggrieved person. The  
416 prevailing party is entitled to applicable fines or civil  
417 penalties and reasonable attorney fees and costs.

418 ~~(6) (a) Any person aggrieved by a violation of this section~~  
419 ~~may bring a civil action in a court of competent jurisdiction~~  
420 ~~against an employer violating this section or a party violating~~  
421 ~~subsection (5). However, prior to bringing any claim for unpaid~~  
422 ~~minimum wages pursuant to this section, the person aggrieved~~  
423 ~~shall notify the employer alleged to have violated this section,~~  
424 ~~in writing, of an intent to initiate such an action. The notice~~  
425 ~~must identify the minimum wage to which the person aggrieved~~  
426 ~~claims entitlement, the actual or estimated work dates and hours~~  
427 ~~for which payment is sought, and the total amount of alleged~~  
428 ~~unpaid wages through the date of the notice.~~

429 ~~(b) The employer shall have 15 calendar days after receipt~~  
430 ~~of the notice to pay the total amount of unpaid wages or~~  
431 ~~otherwise resolve the claim to the satisfaction of the person~~  
432 ~~aggrieved. The statute of limitations for bringing an action~~  
433 ~~pursuant to this section shall be tolled during this 15-day~~  
434 ~~period. If the employer fails to pay the total amount of unpaid~~  
435 ~~wages or otherwise resolve the claim to the satisfaction of the~~

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436 ~~person aggrieved, then the person aggrieved may bring a claim~~  
437 ~~for unpaid minimum wages, the terms of which must be consistent~~  
438 ~~with the contents of the notice.~~

439 (11) (a)-(e)1. Upon prevailing in an action brought under  
440 ~~pursuant to~~ this section, aggrieved persons shall recover the  
441 full amount of any unpaid back wages, plus interest, unlawfully  
442 withheld plus up to two times the unpaid wages ~~the same amount~~  
443 as liquidated damages and must ~~shall~~ be awarded reasonable  
444 attorney ~~attorney's~~ fees and costs. As provided under the  
445 federal Fair Labor Standards Act, pursuant to s. 11 of the  
446 Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if the employer  
447 proves by a preponderance of the evidence that the act or  
448 omission giving rise to such action was in good faith and that  
449 the employer had reasonable grounds for believing that his or  
450 her act or omission was not a violation of s. 24, Art. X of the  
451 State Constitution or this section, the court may, in its sound  
452 discretion, award no liquidated damages or award any amount  
453 thereof not to exceed an amount equal to the amount of unpaid  
454 minimum wages. The court may ~~shall~~ not award any economic  
455 damages on a claim for unpaid minimum wages not expressly  
456 authorized in this section.

457 (b)2. Upon prevailing in an action brought under ~~pursuant~~  
458 ~~to~~ this section, aggrieved persons also are ~~shall also be~~  
459 entitled to such legal or equitable relief as may be appropriate  
460 to remedy the violation, including, without limitation,  
461 reinstatement in employment and injunctive relief. However, any  
462 entitlement to legal or equitable relief in an action brought  
463 under s. 24, Art. X of the State Constitution or this section  
464 may ~~shall~~ not include punitive damages.



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465 (c) If an employer is found to have willfully violated this  
466 section, the department may impose a fine of \$1,000 per  
467 violation payable to the state.

468 (d) Any employer or other person found to have hindered,  
469 prevented, impeded, or interfered with the department or  
470 administrative hearing body in the performance of its duties is  
471 subject to a civil penalty of not less than \$1,000 and not more  
472 than \$5,000.

473 (e) If the court finds that an employer took adverse action  
474 or retaliated against an employee in violation of subsection  
475 (6):

476 1. The court may order reinstatement of the aggrieved  
477 party, front pay in lieu of reinstatement, back pay, liquidated  
478 damages up to two times the amount of the unpaid wages, and  
479 other compensatory damages as appropriate.

480 2. The department may impose an administrative penalty not  
481 to exceed \$5,000 to the aggrieved party.

482 (f)~~(d)~~ Any civil action brought under s. 24, Art. X of the  
483 State Constitution and this section is shall be subject to s.  
484 768.79.

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

491 (12)~~(8)~~ The statute of limitations for an action brought  
492 under pursuant to this section is shall be for the period of  
493 time specified in s. 95.11 beginning on the date the department

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494 issues a written notice to the employer that an investigation  
495 has commenced the alleged violation occurred. The statute of  
496 limitations applicable to an action under this section is tolled  
497 during the department's investigation and any administrative  
498 enforcement under this section.

499 (13)~~(9)~~ Actions brought under pursuant to this section may  
500 be brought as a class action pursuant to Rule 1.220, Florida  
501 Rules of Civil Procedure. In any class action brought under  
502 pursuant to this section, the plaintiffs must shall prove, by a  
503 preponderance of the evidence, the individual identity of each  
504 class member and the individual damages of each class member.

505 (14)~~(10)~~ This section is shall constitute the exclusive  
506 remedy under state law for violations of s. 24, Art. X of the  
507 State Constitution.

508 (15) The department shall make reasonable efforts to ensure  
509 that judgments against an employer are satisfied and may use any  
510 remedy available to a judgment creditor to collect an  
511 unsatisfied judgment. The department may collect wages, damages,  
512 and other monetary remedies on behalf of an employee. The  
513 department acts as the trustee of any unsatisfied judgment it  
514 collects and shall deposit such wages, damages, or other  
515 monetary remedy in the appropriate fund as provided by rule. The  
516 department shall conduct a diligent search for any employee for  
517 whom it collects an unsatisfied judgment.

518 (16) (a) Beginning on the 20th day after a judgment is  
519 entered by a court of competent jurisdiction in favor of the  
520 department, the department may issue a notice of levy on all  
521 persons having in their possession or under their control any  
522 credits, money, or property belonging to the judgment debtor. If

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523 the levy is made on credits, money, or property in the  
524 possession or under the control of a bank, a savings and loan  
525 association, or another financial institution as defined in 42  
526 U.S.C. s. 669a(d) (1), the notice of levy may be mailed or hand-  
527 delivered to a centralized location designated by the bank, the  
528 savings and loan association, or the other financial  
529 institution.

530 (b) Any person who receives a notice of levy shall  
531 surrender the credits, money, or property to the department or  
532 pay to the department the amount of any debt owed within 10 days  
533 after service of the levy. Any person who surrenders to the  
534 department any credits, money, or property of the judgment  
535 debtor is discharged from any obligation or liability to the  
536 judgment debtor relating to the amount paid to the department.

537 (c) Any person who receives a notice of levy from the  
538 department and fails or refuses to surrender any credits, money,  
539 or property of the judgment debtor is liable to the department  
540 for the amount specified in the notice of levy.

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

546 (e) The department may create a lien on any real or  
547 personal property of an employer found in violation of s. 24,  
548 Art. X of the State Constitution or this section. The department  
549 shall release the lien upon final satisfaction of any judgment  
550 entered in favor of an aggrieved party or the department, or  
551 upon adjudication of the claim in favor of the employer. A lien

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552 created under this paragraph lasts 10 years after the date it is  
553 created unless the lien is satisfied or released. A lien created  
554 under this paragraph is in addition to any other rights  
555 available to an aggrieved party or the department.

556 (17) (a) If a final judgment awarded under this section  
557 remains unsatisfied 30 days after all appeals have been  
558 exhausted or the time to file an appeal has expired, the  
559 department may issue a stop-order prohibiting the employer from  
560 conducting business in this state using employee labor,  
561 including conducting business using the labor of another  
562 business, contractor, or subcontractor instead of the labor of  
563 an employee, until the judgment is satisfied. The stop-order is  
564 effective upon receipt of the order, and the employer must pay  
565 employees up to 10 days of lost wages due to the stop-order.

566 (b) An employer may appeal the stop-order by filing, within  
567 20 days after receipt of the stop-order, a written request with  
568 the department for an administrative hearing. The hearing must  
569 be held within 5 days after receipt of the written request, at  
570 which time the stop-order must be affirmed or dismissed, and the  
571 department shall serve a written notice of findings on all  
572 parties within 24 hours after the conclusion of the hearing. A  
573 party may appeal the written notice of findings to a court of  
574 competent jurisdiction within 45 days after the notice is  
575 mailed. The department may seek injunctive or other appropriate  
576 relief to enforce the stop-order and is entitled to attorney  
577 fees and costs if the department prevails.

578 (c) An employer, owner, director, officer, or managing  
579 agent of an employer who fails to comply with a stop-order  
580 issued under this subsection commits a misdemeanor of the second

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581 degree, punishable as provided in s. 775.082 or s. 775.083.

582 (d) This subsection does not apply if the stop-order would  
583 compromise public safety or the life, health, and care of a  
584 vulnerable person.

585 (18) If a final judgment awarded under this section remains  
586 unsatisfied 30 days after all appeals have been exhausted or the  
587 time to file an appeal has expired, the department may request  
588 that the appropriate state agency deny, suspend, or revoke any  
589 license held by the employer until such time as the judgment is  
590 satisfied, and that agency may take such action.

591 (19) Any person acting on behalf of an employer may be held  
592 liable as the employer for a violation of s. 24, Art. X of the  
593 State Constitution or this section. A client employer is jointly  
594 and severally liable with a labor contractor for the payment of  
595 unpaid wages, interest, liquidated damages, fines, or penalties  
596 awarded under this section.

597 (20) All employers, client employers, and labor contractors  
598 shall create records documenting compliance with s. 24, Art. X  
599 of the State Constitution and this section in accordance with  
600 department rules. Records must be maintained for a minimum of 5  
601 years after an employee leaves the employment of the employer or  
602 client employer, or is no longer working with a labor  
603 contractor. An employer, client employer, or labor contractor  
604 must allow the department reasonable access to the records when  
605 requested. If an employee alleges a violation of s. 24, Art. X  
606 of the State Constitution or this section and the employer,  
607 client employer, or labor contractor has not created and  
608 maintained records as required under this subsection, there is a  
609 rebuttable presumption that the employer, client employer, or

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610 labor contractor is in violation of the law. The employer,  
611 client employer, or labor contractor can overcome this  
612 presumption with clear and convincing evidence.

613 (21) The department may enter into agreements with local,  
614 state, or federal agencies to assist in the administration and  
615 enforcement of this section.

616 (22) Subject to the appropriation of funds by the  
617 Legislature, the department shall establish and maintain an  
618 outreach and education partnership program to promote awareness  
619 of, and compliance with, s. 24, Art. X of the State Constitution  
620 and this section. The department shall pursue partnerships with  
621 community-based organizations and unions through a competitive  
622 request for proposals. Duties of the outreach and education  
623 partnership program may include:

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

626 (b) Conducting educational training for employers about  
627 their obligations.

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

630 (d) Assisting the department in conducting investigations  
631 under this section, including the collection of evidence and  
632 enforcement of a judgment.

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

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

637 (g) Producing and disseminating training materials to  
638 employers and employees.

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639        (23)~~(11)~~ Except for calculating the adjusted state minimum  
640 wage and publishing the initial state minimum wage and any  
641 annual adjustments thereto, the authority of the department of  
642 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State  
643 Constitution, pursuant to this section, is ~~shall be~~ limited to  
644 that authority expressly granted by the Legislature.

645        Section 4. This act shall take effect July 1, 2021.