

26 and education outreach; providing for appropriate
 27 relief, including injunctive relief, under certain
 28 circumstances; providing a process for review of a
 29 citation, levy, or stop-order issued by the
 30 department; 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; requiring the department
 34 to establish an outreach and education partnership
 35 program subject to an appropriation by the
 36 Legislature; providing duties of such program;
 37 creating s. 448.111, F.S.; creating the Department of
 38 Labor Community Advisory Board within the Department
 39 of Labor; providing for membership, meetings, and
 40 duties of the advisory board; requiring an annual
 41 report to the Secretary of Labor, the Governor, and
 42 the Legislature by a specified date; providing an
 43 effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Section 20.71, Florida Statutes, is created to
 48 read:

49 20.71 Department of Labor; creation; powers and duties.-
 50 (1) There is created the Department of Labor.

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

55 (3) The secretary may create divisions within the
 56 department and allocate various functions of the department
 57 among such divisions.

58 (4) (a) The headquarters of the department shall be located
 59 in Tallahassee. However, the department may establish regional
 60 offices throughout the state as the secretary deems necessary
 61 for the efficient operation of the department in accomplishing
 62 its purpose.

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

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

69 Section 2. Paragraph (a) of subsection (3) of section
 70 448.109, Florida Statutes, is amended to read:

71 448.109 Notification of the state minimum wage.—

72 (3) (a) Each year the Department of Labor ~~Department of~~
 73 ~~Economic Opportunity~~ shall, on or before December 1, create and
 74 make available to employers a poster in English, ~~and in Spanish,~~
 75 and any other languages, as necessary, which gives notice of all

76 of the following:

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

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

82 3. The right to file a complaint with the Department of
 83 Labor or bring a civil action for a violation of s. 24, Art. X
 84 of the State Constitution or s. 448.110. which reads
 85 substantially as follows:

86 ~~NOTICE TO EMPLOYEES~~

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

91 ~~The rate of the minimum wage is recalculated yearly on September~~
 92 ~~30, based on the Consumer Price Index. Every year on January 1~~
 93 ~~the new Florida minimum wage takes effect.~~

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

97 ~~1. File a complaint about an employer's alleged~~
 98 ~~noncompliance with lawful minimum wage requirements.~~

99 ~~2. Inform any person about an employer's alleged~~
 100 ~~noncompliance with lawful minimum wage requirements.~~

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101 ~~3. Inform any person of his or her potential rights under~~
102 ~~Section 24, Article X of the State Constitution and to~~
103 ~~assist him or her in asserting such rights.~~

104 ~~An employee who has not received the lawful minimum wage after~~
105 ~~notifying his or her employer and giving the employer 15 days to~~
106 ~~resolve any claims for unpaid wages may bring a civil action in~~
107 ~~a court of law against an employer to recover back wages plus~~
108 ~~damages and attorney's fees.~~

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

112 ~~The Attorney General or other official designated by the~~
113 ~~Legislature may bring a civil action to enforce the minimum~~
114 ~~wage.~~

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

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

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

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

122 (2) The purpose of this section is to provide measures
123 appropriate for the implementation of s. 24, Art. X of the State
124 Constitution, in accordance with authority granted to the
125 Legislature under ~~pursuant to~~ s. 24(f), Art. X of the State

126 Constitution. To implement s. 24, Art. X of the State
127 Constitution, the Department of Labor ~~Department of Economic~~
128 ~~Opportunity~~ is designated as the state Agency for Workforce
129 Innovation.

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

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

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

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

145 2. A business entity with a workforce of 5 or fewer
146 employees supplied by a labor contractor to the client employer
147 at any given time.

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

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

151 (d) "Employee" has the same meaning as established under
 152 the federal Fair Labor Standards Act and its implementing
 153 regulations in effect on July 1, 2022.

154 (e) "Employer" has the same meaning as established under
 155 the federal Fair Labor Standards Act and its implementing
 156 regulations in effect on July 1, 2022.

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

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

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

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

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

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

193 (b) The Department of Revenue and the department ~~of~~
194 ~~Economic Opportunity~~ shall annually publish the amount of the
195 adjusted state minimum wage and the effective date. Publication
196 shall occur by posting the adjusted state minimum wage rate and
197 the effective date on the Internet home pages of the department
198 ~~of Economic Opportunity~~ and the Department of Revenue by October
199 15 of each year. In addition, to the extent funded in the
200 General Appropriations Act, the department ~~of Economic~~

201 ~~Opportunity~~ shall provide written notice of the adjusted rate
202 and the effective date of the adjusted state minimum wage to all
203 employers registered in the most current reemployment assistance
204 database. Such notice shall be mailed by November 15 of each
205 year using the addresses included in the database. Employers are
206 responsible for maintaining current address information in the
207 reemployment assistance database. The department ~~of Economic~~
208 ~~Opportunity~~ is not responsible for failure to provide notice due
209 to incorrect or incomplete address information in the database.
210 The department ~~of Economic Opportunity~~ shall provide the
211 Department of Revenue with the adjusted state minimum wage rate
212 information and effective date in a timely manner.

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

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

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

224 2. The right to inform a person's employer, union or other
225 similar organization, legal counsel, or any other person about

226 an alleged violation of s. 24, Art. X of the State Constitution
227 or this section.

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

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

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

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

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

249 (d) The protections provided under this section apply to
250 any employee who alleges a violation of s. 24, Art. X of the

251 State Constitution or this section in good faith. Any complaint
252 or other communication by an employee alleging a violation of s.
253 24, Art. X of the State Constitution or this section triggers
254 the protections under this section even if the complaint or
255 communication does not specifically reference this section.

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

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

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

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

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

272 (8) A person or entity may not enter into a contract or
273 agreement with an independent contractor for labor or services
274 if the person or entity knows or should know that the contract
275 or agreement does not include funds sufficient to allow the

276 independent contractor to comply with all applicable local,
277 state, and federal laws or regulations governing the labor or
278 services to be provided.

279 (9) (a) The department may commence investigations,
280 actions, and proceedings necessary to enforce this section. The
281 department has the sole discretion whether to investigate an
282 employer to determine if a violation of this section has
283 occurred.

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

286 1. Shall keep the name and other identifying information
287 about the reporter confidential to the extent permitted by law.
288 The department may disclose the reporter's name or
289 identification with the written consent of the reporter.

290 2. Shall provide a notice form to an employer being
291 investigated, which must be posted in a conspicuous and
292 accessible location at the workplace, notifying the employees
293 that the department is conducting an investigation under this
294 section. The notice form must be in English and any other
295 language that is the primary language of a majority of the
296 employees in the workplace. If displaying the notice form is not
297 feasible, the employer must provide the notice form to each
298 employee through electronic means and also provide each employee
299 a physical copy of the notice form.

300 3. May certify the eligibility of a person for a visa

301 under 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U),
302 subject to applicable federal law and regulations, and other
303 rules issued by the department.

304 (10)(a) During an investigation under this section, the
305 department has the power to:

306 1. Enter and inspect the workplace.

307 2. Inspect and make copies of papers, books, accounts,
308 records, payroll, and other documents necessary to further its
309 investigation.

310 3. Question witnesses under oath and in a private
311 location.

312 4. Issue subpoenas to compel the attendance and testimony
313 of witnesses and the production of papers, books, accounts,
314 records, payroll, and other documents necessary to further its
315 investigation.

316 5. Take depositions and affidavits.

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

320 (b) If an employer fails to comply with a lawfully issued
321 subpoena or if a witness refuses to testify or be questioned,
322 the department may request that the court compel compliance by
323 initiating a proceeding for contempt. The court shall take
324 judicial notice under s. 90.202(13) of the department's seal,
325 "Department of Labor-State of Florida," and shall enforce any

326 subpoena issued by the Secretary of Labor or his or her
327 representative under such seal.

328 (c) During an administrative or civil proceeding under
329 this section, an employer may not introduce any documentation as
330 evidence that was not provided to the department.

331 (11) (a) During the course of an investigation under this
332 section, the department or the Attorney General may seek
333 injunctive relief upon a finding of reasonable cause that a
334 violation has occurred.

335 (b) When determining whether injunctive relief is
336 appropriate, the court shall consider any direct harm to an
337 employee from a violation of this section and the chilling
338 effect on other employees attempting to assert their rights
339 under this section. Reasonable cause exists for a court to issue
340 an injunction if an employee has faced adverse action for
341 asserting his or her rights under this section.

342 (c) A temporary injunction remains in effect until the
343 department issues a citation to the employer or until the
344 completion of an administrative hearing, whichever is longer, or
345 until a time certain set by the court. A temporary injunction
346 does not prohibit an employer from taking adverse action against
347 an employee for conduct unrelated to an alleged violation of
348 this section.

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

351 (12) (a) If a violation of this section is found during an
352 investigation and the violation has not been remedied by the end
353 of the investigation, the department shall issue a citation to
354 the employer. The citation must be in writing and describe the
355 nature of the violation and include any and all appropriate
356 relief. Appropriate relief includes requiring an employer to
357 cease and desist; to take any action necessary to remedy the
358 violation, such as rehiring or reinstating an employee,
359 reimbursing lost wages, or paying liquidated damages or other
360 finances and penalties; to take training classes relating to
361 compliance with this section; or to submit to compliance
362 monitoring by the department. The department shall serve the
363 citation in a manner provided by the Florida Rules of Civil
364 Procedure. The citation must advise the employer of his or her
365 right to an administrative hearing to have the citation
366 reviewed.

367 (b) Within 30 days after service of a citation, an
368 employer must comply with all appropriate relief specified in
369 the citation or may obtain review of the citation by providing a
370 written request for review to the office of the Secretary of
371 Labor. Upon receipt of a written request for review, the
372 Secretary of Labor shall assign the citation to an
373 administrative law judge to conduct a hearing and issue a
374 written decision. Hearings conducted under this subsection are
375 governed by the department and the rules of practice and

376 procedure adopted by the department.

377 (c) An administrative hearing must commence within 90 days
378 after receipt of a timely submitted request for review. The
379 administrative law judge must render a written decision within
380 90 days after the conclusion of the hearing. The decision must
381 include a statement of findings, conclusions of law, and a
382 recommended order that specifies all appropriate relief as
383 authorized under paragraph (a), including the amount required
384 for an appeal bond should the employer choose to obtain review
385 of the order issued under paragraph (d). The decision must be
386 served on all parties in a manner provided by the Florida Rules
387 of Civil Procedure. If the recommended order includes a monetary
388 remedy, the amount is due 45 days after the written decision is
389 properly served on the employer.

390 (d)1. An employer may obtain review of the written
391 decision and order issued under paragraph (c) by filing a
392 petition for a writ of mandamus to a court having jurisdiction
393 within 45 days after service of the decision. If a petition for
394 a writ of mandamus is not filed within the appropriate time, the
395 recommended order in the written decision becomes final.

396 2. Before an employer may obtain review of the decision,
397 he or she must post an appeal bond, in the amount specified in
398 the recommended order, issued by a licensed surety or as a cash
399 deposit with the court. The employer shall provide written
400 notice to the department and any other parties of the posting of

401 the appeal bond.

402 3. A court may overturn a decision based on abuse of
403 discretion. An employer establishes an abuse of discretion if he
404 or she alleges that the findings are not supported by the
405 evidence and the court determines that the findings are not
406 supported by substantial evidence when looking at the entire
407 record.

408 4. If the court issues an order in favor of the aggrieved
409 party or if the appeal is withdrawn or dismissed without entry
410 of judgment, the employer is liable for the relief specified in
411 the written decision from the administrative hearing, unless the
412 parties execute a settlement agreement, in which case the
413 employer is liable for the relief specified in the settlement
414 agreement. If the written decision from the administrative
415 hearing or the settlement agreement provide for monetary relief,
416 and the employer fails to pay the amount owed within 10 days
417 after entry of a judgment, dismissal or withdrawal of the
418 appeal, or the execution of a settlement agreement, a portion of
419 the appeal bond equal to the amount owed, or the entire appeal
420 bond if the amount owed exceeds the amount of the bond, shall be
421 paid to the aggrieved party.

422 5. If the employer does not request review of the citation
423 under paragraph (b), file a writ of mandamus under subparagraph
424 1., or post the appeal bond as required in subparagraph 2., and
425 the time to do so has expired, or if the petition for a writ of

426 mandamus is dismissed or withdrawn without entry of judgment,
427 the clerk of the court shall certify a copy of the citation or
428 written decision and order issued by the department or by the
429 administrative law judge, respectively, and enter judgment for
430 the state or aggrieved party. The judgment has the same force
431 and effect as a judgment entered in a civil action and may be
432 enforced in the same manner as any other judgment of the court.
433 The court must give priority to petitions to enforce a judgment
434 entered under this section.

435 6. If an employer fails to comply with a citation or final
436 order, whether issued by the department, administrative law
437 judge, or court, and has exhausted all reviews or appeals or the
438 time to file a review or appeal has expired, the department or
439 the Attorney General may commence and prosecute a civil action
440 to recover unpaid wages, including interest, fines, or
441 penalties; equitable relief; or liquidated damages owed to an
442 aggrieved person. The prevailing party is entitled to applicable
443 fines or civil penalties and reasonable attorney fees and costs.

444 ~~(6)(a) Any person aggrieved by a violation of this section~~
445 ~~may bring a civil action in a court of competent jurisdiction~~
446 ~~against an employer violating this section or a party violating~~
447 ~~subsection (5). However, prior to bringing any claim for unpaid~~
448 ~~minimum wages pursuant to this section, the person aggrieved~~
449 ~~shall notify the employer alleged to have violated this section,~~
450 ~~in writing, of an intent to initiate such an action. The notice~~

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451 ~~must identify the minimum wage to which the person aggrieved~~
452 ~~claims entitlement, the actual or estimated work dates and hours~~
453 ~~for which payment is sought, and the total amount of alleged~~
454 ~~unpaid wages through the date of the notice.~~

455 ~~(b) The employer shall have 15 calendar days after receipt~~
456 ~~of the notice to pay the total amount of unpaid wages or~~
457 ~~otherwise resolve the claim to the satisfaction of the person~~
458 ~~aggrieved. The statute of limitations for bringing an action~~
459 ~~pursuant to this section shall be tolled during this 15-day~~
460 ~~period. If the employer fails to pay the total amount of unpaid~~
461 ~~wages or otherwise resolve the claim to the satisfaction of the~~
462 ~~person aggrieved, then the person aggrieved may bring a claim~~
463 ~~for unpaid minimum wages, the terms of which must be consistent~~
464 ~~with the contents of the notice.~~

465 ~~(13) (a) (e) 1.~~ Upon prevailing in a civil ~~an~~ action brought
466 under paragraph (6) (e) ~~pursuant to this section~~, aggrieved
467 persons shall recover the full amount of any unpaid back wages,
468 plus interest, unlawfully withheld plus up to two times the
469 unpaid wages ~~the same amount~~ as liquidated damages and shall be
470 awarded reasonable attorney ~~attorney's~~ fees and costs.
471 Additionally, ~~As provided under the federal Fair Labor Standards~~
472 ~~Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29~~
473 ~~U.S.C. s. 260, if the employer proves by a preponderance of the~~
474 ~~evidence that the act or omission giving rise to such action was~~
475 ~~in good faith and that the employer had reasonable grounds for~~

476 ~~believing that his or her act or omission was not a violation of~~
477 ~~s. 24, Art. X of the State Constitution, the court may, in its~~
478 ~~sound discretion, award no liquidated damages or award any~~
479 ~~amount thereof not to exceed an amount equal to the amount of~~
480 ~~unpaid minimum wages. The court shall not award any economic~~
481 ~~damages on a claim for unpaid minimum wages not expressly~~
482 ~~authorized in this section.~~

483 ~~2. Upon prevailing in an action brought pursuant to this~~
484 ~~section, aggrieved persons are shall also be entitled to such~~
485 ~~legal or equitable relief as may be appropriate to remedy the~~
486 ~~violation, including, without limitation, reinstatement in~~
487 ~~employment and injunctive relief. However, any entitlement to~~
488 ~~legal or equitable relief in an action brought under s. 24, Art.~~
489 ~~X of the State Constitution or this section may shall not~~
490 ~~include punitive damages.~~

491 (b) If an employer is found to have willfully violated s.
492 24, Art. X of the State Constitution or this section, the
493 department, administrative law judge, or court may impose a fine
494 of \$1,000 per violation payable to the state.

495 (c) Any employer or other person found to have hindered,
496 prevented, impeded, or interfered with the department or
497 administrative hearing body in the performance of their duties
498 is subject to a civil penalty of not less than \$1,000 and not
499 more than \$5,000, which may be assessed by the department,
500 administrative law judge, or court.

501 (d) If the department, administrative law judge, or court
 502 finds that an employer took adverse action or retaliated against
 503 an employee in violation of subsection (6):

504 1. The department, administrative law judge, or court may
 505 order reinstatement of the aggrieved party, front pay in lieu of
 506 reinstatement, backpay, liquidated damages up to two times the
 507 amount of the unpaid wages, and other compensatory damages as
 508 appropriate.

509 2. The department, administrative law judge, or court may
 510 impose an administrative penalty not to exceed \$5,000 payable to
 511 the aggrieved party.

512 (e)-(d) Any civil action brought under s. 24, Art. X of the
 513 State Constitution and this section is ~~shall be~~ subject to s.
 514 768.79.

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

521 (14)-(8) The statute of limitations for an action brought
 522 under pursuant to this section is ~~shall be~~ for the period of
 523 time specified in s. 95.11 beginning on the date the alleged
 524 violation occurred. The statute of limitations applicable to an
 525 action under this section is tolled during the department's

526 investigation and any administrative enforcement under this
527 section.

528 ~~(15)-(9)~~ Actions brought under ~~pursuant to~~ this section may
529 be brought as a class action pursuant to Rule 1.220, Florida
530 Rules of Civil Procedure. In any class action brought under
531 ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove, by a
532 preponderance of the evidence, the individual identity of each
533 class member and the individual damages of each class member.

534 ~~(16)-(10)~~ This section is ~~shall constitute~~ the exclusive
535 remedy under state law for violations of s. 24, Art. X of the
536 State Constitution.

537 (17) The department shall make reasonable efforts to
538 ensure that judgments against an employer are satisfied and may
539 use any remedy that is available to a judgment creditor to
540 collect an unsatisfied judgment. The department may collect
541 wages, damages, and other monetary remedies on behalf of an
542 employee. The department acts as the trustee of any unsatisfied
543 judgment it collects and shall deposit such wages, damages, or
544 other monetary remedy in the appropriate fund as provided by
545 rule. The department shall conduct a diligent search for any
546 employee for whom it collects an unsatisfied judgment.

547 (18) (a) Beginning on the 20th day after a judgment is
548 entered by the clerk of the court under paragraph (12) (d) or
549 otherwise by a court of competent jurisdiction in favor of the
550 department, the department may issue a notice of levy on all

551 persons having in their possession or under their control any
552 credits, money, or property belonging to the judgment debtor. If
553 the levy is made on credits, money, or property in the
554 possession or under the control of a bank, savings and loan
555 association, or other financial institution as defined in 42
556 U.S.C. s. 669a(d) (1), the notice of levy may be mailed or hand-
557 delivered to a centralized location designated by the bank,
558 savings and loan association, or other financial institution.

559 (b) Any person who receives a notice of levy shall
560 surrender the credits, money, or property to the department or
561 pay to the department the amount of any debt owed within 10 days
562 after service of the levy. Any person who surrenders to the
563 department any credits, money, or property of the judgment
564 debtor is discharged from any obligation or liability to the
565 judgment debtor relating to the amount paid to the department.

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

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

575 (e) The department may create a lien on any real or

576 personal property of an employer found in violation of s. 24,
577 Art. X of the State Constitution or this section. The department
578 shall release the lien upon final satisfaction of any judgment
579 entered in favor of an aggrieved party or the department, or
580 upon adjudication of the claim in favor of the employer. A lien
581 created under this paragraph lasts 10 years after the date it is
582 created unless the lien is satisfied or released. A lien created
583 under this paragraph is in addition to any other rights
584 available to an aggrieved party or the department.

585 (19) (a) If a citation issued by the department, written
586 decision and order issued by an administrative law judge, or
587 final judgment awarded under this section remains unsatisfied 30
588 days after all reviews and appeals have been exhausted or the
589 time to request a review or file an appeal has expired, the
590 department may issue a stop-order prohibiting the employer from
591 conducting business in the state using employee labor, including
592 conducting business using the labor of another business,
593 contractor, or subcontractor instead of the labor of an
594 employee, until the judgment is satisfied. The stop-order is
595 effective upon receipt of the order and the employer must pay
596 employees up to 10 days of lost wages due to the stop-order.

597 (b) An employer may appeal the stop-order by filing,
598 within 20 days after receipt of the stop-order, a written
599 request with the department for an administrative hearing. The
600 hearing must be held within 5 days after receipt of the written

601 request, at which time the stop-order shall be affirmed or
602 dismissed and the department shall serve a written notice of
603 findings on all parties within 24 hours after the conclusion of
604 the hearing. A party may appeal the written notice of findings
605 to a court of competent jurisdiction within 45 days after the
606 notice is mailed. The department may seek injunctive or other
607 appropriate relief to enforce the stop-order and is entitled to
608 attorney fees and costs if the department prevails.

609 (c) An employer, owner, director, officer, or managing
610 agent of an employer who fails to comply with a stop-order
611 issued under this subsection is guilty of a misdemeanor of the
612 second degree, punishable as provided in s. 775.082 or s.
613 775.083.

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

617 (20) If a citation issued by the department, written
618 decision and order issued by an administrative law judge, or
619 final judgment awarded under this section remains unsatisfied 30
620 days after all reviews or appeals have been exhausted or the
621 time to request a review or file an appeal has expired, the
622 department may request that the appropriate state agency, and
623 the state agency is authorized to, deny, suspend, or revoke any
624 license held by the employer until such time as the judgment is
625 satisfied.

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

632 (22) All employers, client employers, and labor
633 contractors shall create records documenting compliance with s.
634 24, Art. X of the State Constitution and this section in
635 accordance with department rules. Records must be maintained for
636 a minimum of 5 years after an employee leaves the employment of
637 the employer or client employer, or is no longer working with a
638 labor contractor. An employer, client employer, or labor
639 contractor must allow the department reasonable access to the
640 records when requested. If an employee, or other authorized
641 person or entity, alleges a violation of s. 24, Art. X of the
642 State Constitution or this section and the employer, client
643 employer, or labor contractor has not created and maintained
644 records as required under this subsection, there is a rebuttable
645 presumption that the he or she is in violation of the law. The
646 employer, client employer, or labor contractor can overcome this
647 presumption with clear and convincing evidence.

648 (23) The department may enter into agreements with local,
649 state, or federal agencies to assist in the administration and
650 enforcement of this section.

651 (24) Subject to appropriation of funds by the Legislature,
 652 the department shall establish and maintain an outreach and
 653 education partnership program to promote awareness of, and
 654 compliance with, s. 24, Art. X of the State Constitution and
 655 this section. The department shall pursue partnerships with
 656 community-based organizations and unions through a competitive
 657 request for proposals. Duties of the outreach and education
 658 partnership program may include:

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

661 (b) Conducting educational training for employers about
 662 their obligations.

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

666 (d) Assisting the department in conducting investigations
 667 under this section, including the collection of evidence and
 668 enforcement of a judgment.

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

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

673 (g) Producing and disseminating training materials to
 674 employers and employees.

675 (25)-(11) Except for calculating the adjusted state minimum

676 wage and publishing the initial state minimum wage and any
677 annual adjustments thereto, the authority of the department ~~of~~
678 ~~Economic Opportunity~~ in implementing s. 24, Art. X of the State
679 Constitution, pursuant to this section, is ~~shall be~~ limited to
680 that authority expressly granted by the Legislature.

681 Section 4. Section 448.111, Florida Statutes, is created
682 to read:

683 448.111 Department of Labor Community Advisory Board.—The
684 Department of Labor Community Advisory Board is established
685 within the Department of Labor.

686 (1) The advisory board shall consist of the following
687 members who must be approved by the Secretary of Labor:

688 (a) A representative from the Department of Labor.

689 (b) A representative from the Department of Economic
690 Opportunity.

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

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

693 (e) A representative from a small business as defined in
694 s. 288.703.

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

697 (2) Members of the advisory board shall be appointed for
698 2-year terms, which shall be staggered.

699 (3) Members of the advisory board shall serve without
700 compensation and are not entitled to receive reimbursement for

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701 per diem or travel expenses.

702 (4) The advisory board shall meet at least three times a
703 year in order to review reports and projects of the Department
704 of Labor. Meetings of the advisory board must be open to the
705 public and provide the opportunity for public comment.

706 (5) The advisory board shall submit an annual report to
707 the Secretary of Labor recommending changes to existing state
708 policies and programs to ensure worker safety and equity, with
709 particular emphasis on low-wage workers, migrant workers, and
710 racial equity.

711 (6) By January 1, 2023, and annually thereafter, the
712 Secretary of Labor shall submit the annual report to the
713 Governor, the President of the Senate, and the Speaker of the
714 House of Representatives.

715 Section 5. This act shall take effect July 1, 2022.