

By Senator Smith

17-00092-26

2026358__

A bill to be entitled
An act relating to the Division of Labor Standards;
amending s. 20.60, F.S.; creating the Division of
Labor Standards within the Department of Commerce for
specified purposes; specifying that the department is
the state's chief agency for employee protection;
requiring the department to support and protect the
state's workforce in a specified manner; amending s.
448.109, F.S.; revising requirements for notifying
employees of certain rights; amending s. 448.110,
F.S.; designating the Division of Labor Standards as
the state Agency for Workforce Innovation for purposes
of implementing s. 24, Art. X of the State
Constitution; defining terms; revising the protected
rights of an employee; creating a rebuttable
presumption and burden of proof for an employer;
providing applicability; revising the process for
filing a complaint for a violation of protected
rights; specifying that certain actions are violations
of the state minimum wage law; prohibiting a person or
an entity from entering into certain contracts;
authorizing and providing the division certain powers
to conduct investigations, issue citations, enforce
and collect judgments by certain means, and partner
with other entities for enforcement and education
outreach; prohibiting an employer from introducing at
an administrative or civil proceeding any
documentation as evidence that was not provided to the
division; providing for injunctive relief under

17-00092-26

2026358__

certain circumstances; providing a process for review of a citation, levy, or stop-order issued by the division; authorizing an aggrieved person to file a civil action; providing penalties; tolling the statute of limitations during an investigation; providing liability; requiring all employers, client employers, and labor contractors to create records; requiring that such records be maintained for a specified length of time and be reasonably accessible to the division; authorizing the division to enter into agreements with local, state, or federal agencies to assist in administration and enforcement; requiring the division to establish and maintain an outreach and education partnership program for a specified purpose; providing the duties of the program; creating s. 448.112, F.S.; creating the Division of Labor Standards Community Advisory Board within the Division of Labor Standards; providing for membership, meetings, and duties of the advisory board; requiring the director to submit an annual report to the Governor and the Legislature by a specified date; providing for future legislative review and repeal of the advisory board; providing an effective date.

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

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

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

17-00092-26

2026358__

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

1. The Division of Economic Development.
2. The Division of Community Development.
3. The Division of Workforce Services.
4. The Division of Finance and Administration.
5. The Division of Information Technology.
6. The Office of the Secretary.
7. The Office of Economic Accountability and Transparency,

which shall:

a. Oversee the department's critical objectives as determined by the secretary and make sure that the department's key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department's priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the department; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

8. The Division of Labor Standards, which shall:

a. Administer and enforce s. 24, Art. X of the State Constitution, s. 448.110, and any other statutes or laws, or

17-00092-26

2026358__

88 parts thereof, over which the division has been granted
89 administrative or enforcement authority by the Legislature.

90 b. Promote compliance with s. 24, Art. X of the State
91 Constitution, s. 448.110, and any other statutes or laws, or
92 parts thereof, over which the division has been granted
93 administrative or enforcement authority by the Legislature
94 through investigative and enforcement actions, local outreach,
95 technical assistance, and training.

96 c. Investigate and ascertain the wages of persons employed
97 in any occupation or place of employment in the state as the
98 division finds necessary and proper.

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

101 e. Adopt rules as necessary to carry out the functions and
102 purposes of the division.

103 (4) The purpose of the department is to assist the Governor
104 in working with the Legislature, state agencies, business
105 leaders, and economic development professionals to formulate and
106 implement coherent and consistent policies and strategies
107 designed to promote economic opportunities for all Floridians.
108 The department is the state's chief agency for business
109 recruitment and expansion, employee protection, and economic
110 development. To accomplish such purposes, the department shall:

111 (a) Facilitate the direct involvement of the Governor and
112 the Lieutenant Governor in economic development and workforce
113 development projects designed to create, expand, and retain
114 businesses in this state; to recruit business from around the
115 world; to promote the state as a pro-business location for new
116 investment; and to facilitate other job-creating efforts.

17-00092-26

2026358__

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

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

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

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

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

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

17-00092-26

2026358__

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

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

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

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

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

(m) Support and protect the state's workforce and bolster state revenue by ensuring fair pay for employees and strengthening business through fair competition.

Section 2. Subsections (2) and (3) of section 448.109, Florida Statutes, are amended to read:

448.109 Notification of the state minimum wage.—

17-00092-26

2026358__

(2) Each employer required to ~~who must~~ pay an employee the Florida minimum wage shall prominently display a poster as prescribed in ~~substantially similar to the one made available pursuant to~~ subsection (3) in a conspicuous and accessible place in each establishment where such employees are employed.

(3)~~(a)~~ Each year the Division of Labor Standards ~~Department of Commerce~~ shall, on or before December 1, create and make available to employers a poster in English, and in Spanish, and any other language, as necessary. The poster must:

(a) Give notice of all of the following:

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

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

3. The right to file a complaint with the Division of Labor Standards or bring a civil action in a court of competent jurisdiction for a violation of s. 24, Art. X of the State Constitution or s. 448.110 ~~which reads substantially as follows:~~

~~NOTICE TO EMPLOYEES~~

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

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

~~An employer may not retaliate against an employee for exercising~~

17-00092-26

2026358__

~~his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:~~

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

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

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

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

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

~~(b) The poster must~~ Be at least 8.5 inches by 11 inches and in a format easily seen by employees. The text in the poster must be of a conspicuous size. The text in the first line must be larger than the text of any other line, and the text of the first sentence must be in bold type and larger than the text in the remaining lines.

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

17-00092-26

2026358__

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

(1) This section may be cited as the “Florida Minimum Wage Act.”

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

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

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

(b) “Client employer” means a business entity, regardless of its form, which obtains or is provided employees to perform labor within its usual course of business from a labor contractor. The term does not include:

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

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

17-00092-26

2026358__

at any given time.

3. This state or a political subdivision of this state.

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

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

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

(f) "Employer" has the same meaning as established under the federal Fair Labor Standards Act and its implementing regulations in effect on July 1, 2026.

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

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

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

(4)(3) Employers shall pay employees a minimum wage at an hourly rate of \$6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act, as amended, and its

17-00092-26

2026358__

implementing regulations shall be eligible to receive the state minimum wage under this section and ~~pursuant to~~ s. 24, Art. X of the State Constitution ~~and this section~~. Sections 213 and 214 ~~The provisions of ss. 213 and 214~~ of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

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

(b) The Department of Revenue and the division ~~department of Commerce~~ shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the division ~~department of Commerce~~ and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the division ~~department of Commerce~~ shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all

17-00092-26

2026358__

employers registered in the most current reemployment assistance database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the reemployment assistance database. The division ~~department of Commerce~~ is not responsible for failure to provide notice due to incorrect or incomplete address information in the database. The division ~~department of Commerce~~ shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

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

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

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

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

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

17-00092-26

2026358__

349 4. The right to cooperate with any investigation conducted
350 under this section and to testify in any proceeding or action
351 brought under this section.

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

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

357 (c) There is a rebuttable presumption that an employer has
358 violated this section or s. 24, Art. X of the State Constitution
359 if the employer takes adverse action against an employee within
360 90 days after the employee exercises a right under paragraph
361 (b). If an employee is a seasonal worker and his or her work
362 ended before the end of the 90-day period, the rebuttable
363 presumption applies if the employer fails to rehire the seasonal
364 worker in the same position at the next opportunity. The
365 rebuttable presumption may be overcome by clear and convincing
366 evidence.

367 (d) The protections provided under this section apply to
368 any employee who alleges a violation of this section or s. 24,
369 Art. X of the State Constitution in good faith. Any complaint or
370 other communication by an employee alleging a violation of this
371 section or s. 24, Art. X of the State Constitution triggers the
372 protections under this section even if the complaint or
373 communication does not specifically reference this section.

374 (e) An employee who believes he or she has been
375 discriminated or retaliated against for exercising a right under
376 this section or s. 24, Art. X of the State Constitution may file
377 a complaint with the division or a civil action in a court of

17-00092-26

2026358__

competent jurisdiction within 4 years after the alleged violation or, in the case of a willful violation, within 5 years after the alleged violation.

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

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

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

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

(8) It is a violation of this section:

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

(b) For a person or an entity to enter into a contract or an agreement with an independent contractor for labor or services if the person or entity knows or should know that the contract or agreement does not include funds sufficient to allow the independent contractor to comply with all applicable local, state, and federal laws or regulations governing the labor or services to be provided.

(9) (a) The division may commence investigations, actions, and proceedings necessary to enforce this section. The division may, in its sole discretion, investigate an employer to determine whether a violation of this section or s. 24, Art. X of the State Constitution has occurred.

(b) In order to encourage a person or an entity to report a

17-00092-26

2026358__

407 suspected violation of this section or s. 24, Art. X of the
408 State Constitution, the division:

409 1. Shall keep the name and other personal identifying
410 information about the reporter confidential to the extent
411 permitted by law. The division may disclose the reporter's name
412 or identification with the written consent of the reporter.

413 2. Shall provide a notice form to an employer being
414 investigated, which must be posted in a conspicuous and
415 accessible location at the workplace, notifying the employees
416 that the division is conducting an investigation under this
417 section. The notice form must be in English and any other
418 language that is the primary language of a majority of the
419 employees in the workplace. If displaying the notice form is not
420 feasible, the employer must provide a copy to each employee
421 through electronic means and also in printed form.

422 3. May certify the eligibility of a person for a visa under
423 8 U.S.C. s. 1184(p) and 8 U.S.C. s. 1101(a)(15)(U), subject to
424 applicable federal law and regulations, and other rules issued
425 by the division.

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

428 1. Enter and inspect the workplace.

429 2. Inspect and make copies of papers, books, accounts,
430 records, payroll, and other documents necessary to further its
431 investigation.

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

433 4. Issue subpoenas to compel the attendance and testimony
434 of witnesses and the production of papers, books, accounts,
435 records, payroll, and other documents necessary to further its

17-00092-26

2026358__

436 investigation.

437 5. Take depositions and affidavits.

438 6. Investigate any facts, conditions, practices, or matters
439 as the division deems appropriate to determine whether a
440 violation of this section or s. 24, Art. X of the State
441 Constitution has occurred.

442 (b) If an employer fails to comply with a lawfully issued
443 subpoena or if a witness refuses to testify or be questioned,
444 the division may request that the court compel compliance by
445 initiating a proceeding for contempt. The court shall take
446 judicial notice under s. 90.202(13) of the Department of
447 Commerce's seal, "Department of Commerce-State of Florida," and
448 shall enforce any subpoena issued by the director or his or her
449 representative under such seal.

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

453 (11)(a) During the course of an investigation under this
454 section or if the division reasonably believes that an employer
455 has engaged in, is engaging in, or is about to engage in, a
456 violation of this section or s. 24, Art. X of the State
457 Constitution, the division or the Attorney General may seek
458 injunctive relief to:

459 1. Prohibit the employer from continuing to engage or
460 engaging in the violation or doing any act in furtherance of the
461 violation.

462 2. Prevent violations or attempted violations of this
463 section or s. 24, Art. X of the State Constitution.

464 3. Prevent any attempt to interfere with or impede the

17-00092-26

2026358__

enforcement of this section.

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

(b) When determining whether injunctive relief is appropriate, the court shall consider any potential or direct harm to an employee from a violation of this section or s. 24, Art. X of the State Constitution and the potential chilling effect on other employees attempting to assert their rights under this section or s. 24, Art. X of the State Constitution.

(c) A temporary injunction remains in effect until the division issues a citation to the employer or until the completion of an administrative hearing, whichever is longer, or until a time certain set by the court. A temporary injunction does not prohibit an employer from taking adverse action against an employee for conduct unrelated to an alleged violation of this section or s. 24, Art. X of the State Constitution.

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

(12) (a) If a violation of this section or s. 24, Art. X of the State Constitution is found during an investigation, and the violation is not remedied through settlement or otherwise, the division must issue a citation to the employer. The citation must be in writing and describe the nature of the violation and may include appropriate relief. Appropriate relief includes, but is not limited to, requiring an employer to cease and desist; to take any action necessary to remedy the violation, such as rehiring or reinstating an employee, reimbursing lost wages plus interest, or paying liquidated damages in an amount equal to two times the unpaid wages, or other fines and penalties, including

17-00092-26

2026358__

494 a fine of up to \$50 for each day a violation continues to exist
495 and for each employee to whom the violation occurred, payable to
496 the state or aggrieved employee; to take training classes
497 relating to compliance with this section; or to submit to
498 compliance monitoring by the division. The division shall serve
499 the citation in a manner provided by the Florida Rules of Civil
500 Procedure. The citation must advise the employer of his or her
501 right to an administrative hearing to have the citation
502 reviewed.

503 (b) Within 30 days after service of a citation, an employer
504 must comply with all appropriate relief specified in the
505 citation or may obtain review of the citation by providing a
506 written request for review to the director. Upon receipt of a
507 written request for review, the director shall assign the
508 citation to an administrative law judge to conduct a hearing and
509 issue a written decision. Hearings conducted under this
510 subsection are governed by the division and the rules of
511 practice and procedure adopted by the division.

512 (c) An administrative hearing must commence within 90 days
513 after receipt of a timely submitted request for review. The
514 administrative law judge shall render a written decision within
515 90 days after the conclusion of the hearing. The written
516 decision must include a statement of findings, conclusions of
517 law, and a recommended order that specifies all appropriate
518 relief as authorized under paragraph (a), including the amount
519 required for an appeal bond should the employer choose to obtain
520 review of the recommended order issued under this paragraph. The
521 decision must be served on all parties in a manner provided by
522 the Florida Rules of Civil Procedure. If the recommended order

17-00092-26

2026358__

includes a monetary remedy, the amount is due 45 days after the written decision is properly served on the employer.

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

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

3. A court may overturn a written decision based on abuse of discretion. An employer establishes an abuse of discretion if the employer alleges that the findings are not supported by the evidence and the court determines that the findings are not supported by substantial evidence when reviewing the entire record.

4. If the court issues an order in favor of the aggrieved party or if the appeal is withdrawn or dismissed without entry of judgment, the employer is liable for the relief specified in the written decision from the administrative hearing, unless the parties execute a settlement agreement, in which case the employer is liable for the relief specified in the settlement agreement. If the written decision from the administrative hearing or the settlement agreement provides for monetary

17-00092-26

2026358__

relief, and the employer fails to pay the amount owed within 10 days after entry of an order, dismissal or withdrawal of the appeal, or the execution of a settlement agreement, a portion of the appeal bond equal to the amount owed, or the entire appeal bond if the amount owed exceeds the amount of the bond, must be paid to the aggrieved party.

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

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

(13) (a) A person aggrieved by a violation of this section

17-00092-26

2026358__

or s. 24, Art. X of the State Constitution may bring a civil
action in a court of competent jurisdiction.

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

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

~~(e)1.~~ Upon prevailing in a civil ~~an~~ action brought under
paragraph (6) (e) ~~pursuant to this section~~, aggrieved persons
shall recover the full amount of any unpaid back wages, plus
interest, unlawfully withheld plus up to two times the unpaid
wages ~~the same amount~~ as liquidated damages and shall be awarded
reasonable attorney ~~attorney's~~ fees and costs. Additionally ~~As~~

17-00092-26

2026358__

~~provided under the federal Fair Labor Standards Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if the employer proves by a preponderance of the evidence that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that his or her act or omission was not a violation of s. 24, Art. X of the State Constitution, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed an amount equal to the amount of unpaid minimum wages. The court shall not award any economic damages on a claim for unpaid minimum wages not expressly authorized in this section.~~

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

~~(b) In addition to any other remedies or penalties authorized by law, if an employer is found to have willfully violated this section or s. 24, Art. X of the State Constitution, the division, administrative law judge, or court may impose a fine of \$1,000 per violation payable to the state.~~

~~(c) In addition to any other remedies or penalties authorized by law, any employer or other person found to have hindered, prevented, impeded, or interfered with the division or administrative hearing body in the performance of their duties is subject to a civil penalty of no less than \$1,000 and no more~~

17-00092-26

2026358__

than \$5,000, which may be assessed by the division,
administrative law judge, or court.

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

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

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

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

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

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

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

~~(7) The Attorney General may bring a civil action to~~
~~enforce this section. The Attorney General may seek injunctive~~

17-00092-26

2026358__

668 ~~relief. In addition to injunctive relief, or in lieu thereof,~~
669 ~~for any employer or other person found to have willfully~~
670 ~~violated this section, the Attorney General may seek to impose a~~
671 ~~fine of \$1,000 per violation, payable to the state.~~

672 (14) ~~(8)~~ The statute of limitations for an action brought
673 under ~~pursuant to~~ this section ~~is shall be for~~ the period of
674 time specified in s. 95.11 beginning on the date the alleged
675 violation occurred. The statute of limitations applicable to an
676 action under this section is tolled during the division's
677 investigation and any administrative enforcement under this
678 section.

679 (15) ~~(9)~~ Actions brought under ~~pursuant to~~ this section may
680 be brought as a class action under ~~pursuant to~~ Rule 1.220,
681 Florida Rules of Civil Procedure. In any class action brought
682 under ~~pursuant to~~ this section, the plaintiffs must ~~shall~~ prove,
683 by a preponderance of the evidence, the individual identity of
684 each class member and the individual damages of each class
685 member.

686 (16) ~~(10)~~ This section ~~is shall constitute~~ the exclusive
687 remedy under state law for violations of s. 24, Art. X of the
688 State Constitution.

689 (17) The division shall make reasonable efforts to ensure
690 that judgments against an employer are satisfied and may use any
691 remedy that is available to a judgment creditor to collect an
692 unsatisfied judgment. The division may collect wages, damages,
693 and other monetary remedies on behalf of an employee. The
694 division acts as the trustee of any unsatisfied judgment it
695 collects and shall deposit such wages, damages, or other
696 monetary remedy in the appropriate fund as provided by rule. The

17-00092-26

2026358__

697 division shall conduct a diligent search for any employee for
698 whom it collects an unsatisfied judgment.

699 (18)(a) Beginning on the 20th day after a judgment is
700 entered by the clerk of the court under paragraph (12)(d) or
701 otherwise by a court of competent jurisdiction in favor of this
702 state or the aggrieved party, the division may issue a notice of
703 levy on all persons having in their possession or under their
704 control any credits, money, or property belonging to the
705 judgment debtor. If the levy is made on credits, money, or
706 property in the possession or under the control of a bank,
707 savings and loan association, or other financial institution as
708 defined in 42 U.S.C. s. 669a(d)(1), the notice of levy may be
709 mailed or hand-delivered to a centralized location designated by
710 the bank, savings and loan association, or other financial
711 institution.

712 (b) Any person who receives a notice of levy must surrender
713 the credits, money, or property to the division or pay to the
714 division the amount of any debt owed within 10 days after
715 service of the levy. Any person who surrenders to the division
716 any credits, money, or property of the judgment debtor is
717 discharged from any obligation or liability to the judgment
718 debtor relating to the amount paid to the division.

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

723 (d) Any fees, commissions, expenses, or costs associated
724 with the sale of property levied under this subsection are the
725 obligation of the judgment debtor and may be collected by virtue

17-00092-26

2026358__

of the levy or in any other manner as though the fees,
commissions, expenses, or costs were part of the judgment.

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

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

(b) An employer may appeal the stop-order by filing, within 20 days after receipt of the stop-order, a written request with the division for an administrative hearing. The hearing must be held within 5 days after receipt of the written request, at which time the stop-order must be affirmed or dismissed, and the

17-00092-26

2026358__

755 division shall mail a written notice of findings by United
756 States mail to all parties within 24 hours after the conclusion
757 of the hearing. A party may appeal the written notice of
758 findings to a court of competent jurisdiction within 45 days
759 after the notice is mailed. The division may seek injunctive or
760 other appropriate relief to enforce the stop-order and is
761 entitled to attorney fees and costs if the division prevails.

762 (c) An employer, an owner, a director, an officer, or a
763 managing agent of an employer who fails to comply with a stop-
764 order issued under this subsection commits a misdemeanor of the
765 second degree, punishable as provided in s. 775.082 or s.
766 775.083.

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

770 (20) If a citation issued by the division, written decision
771 and order issued by an administrative law judge, or final
772 judgment awarded under this section remains unsatisfied for 30
773 days after all reviews or appeals have been exhausted or the
774 time to request a review or file an appeal has expired, the
775 division may request that the appropriate state agency, and the
776 state agency is authorized to, deny, suspend, or revoke any
777 license held by the employer until such time as the judgment is
778 satisfied.

779 (21) Any person acting on behalf of an employer may be held
780 liable as the employer for a violation of this section or s. 24,
781 Art. X of the State Constitution. A client employer is jointly
782 and severally liable with a labor contractor for the payment of
783 unpaid wages, interest, liquidated damages, fines, or penalties

17-00092-26

2026358__

awarded under this section.

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

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

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

17-00092-26

2026358__

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

815 (b) Conducting educational training for employers about
816 their obligations.

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

819 (d) Assisting the division in conducting investigations
820 under this section, including the collection of evidence and
821 enforcement of a judgment.

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

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

826 (g) Producing and disseminating training materials to
827 employers and employees.

828 (25)-(11) Except for calculating the adjusted state minimum
829 wage and publishing the initial state minimum wage and any
830 annual adjustments thereto, the authority of the division
831 ~~department of Commerce~~ in implementing s. 24, Art. X of the
832 State Constitution, pursuant to this section, is ~~shall be~~
833 limited to that authority expressly granted by the Legislature.

834 Section 4. Section 448.112, Florida Statutes, is created to
835 read:

836 448.112 Division of Labor Standards Community Advisory
837 Board.—The Division of Labor Standards Community Advisory Board,
838 an advisory council as defined in s. 20.03, is established
839 within the Division of Labor Standards.

840 (1) The advisory board shall be composed of the following
841 members who must be approved by the director of the Division of

17-00092-26

2026358__

842 Labor Standards:843 (a) A representative from the Division of Labor Standards.844 (b) A representative from the Department of Commerce.845 (c) A representative from the Department of Education.846 (d) A representative from the Florida Chamber of Commerce.847 (e) A representative from a small business as defined in s.848 288.703.849 (f) Four representatives from labor organizations as
850 defined in s. 447.02(1) throughout this state.851 (2) Members of the advisory board shall be appointed for 2-
852 year terms, which must be staggered.853 (3) Members of the advisory board shall serve without
854 compensation and are not entitled to receive reimbursement for
855 per diem or travel expenses.856 (4) The advisory board shall meet at least three times a
857 year in order to review reports and projects of the Division of
858 Labor Standards. Meetings of the advisory board must be open to
859 the public and provide the opportunity for public comment.860 (5) The advisory board shall submit an annual report to the
861 director of the Division of Labor Standards recommending changes
862 to existing state policies and programs to ensure employee
863 safety and equity, with particular emphasis on racial equity and
864 low-wage and migrant workers.865 (6) By January 1, 2027, and annually thereafter, the
866 director of the Division of Labor Standards shall submit the
867 annual report to the Governor, the President of the Senate, and
868 the Speaker of the House of Representatives.869 (7) In accordance with s. 20.052(8), this section is
870 repealed October 2, 2029, unless reviewed and saved from repeal

17-00092-26

2026358__

871 through reenactment by the Legislature.

872 Section 5. This act shall take effect July 1, 2026.