

## **Alert** | Labor & Employment



July 2024

### **New Florida Employment Laws Effective July 1**

In Florida, 167 new bills took effect July 1. For business owners, employees, talent professionals, in-house counsel, and others, this GT Alert covers requirements and other details on these new state laws in the employment arena.

#### **Overtime Pay Regulations**

The U.S. Department of Labor's final rule, [Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees](#), modifies overtime pay regulations. The salary threshold for employees exempt from the Fair Labor Standards Act under the executive, administrative, and professional (EAP) exemption will increase from \$684 per week (\$35,568 annually) to \$844 per week (\$43,888 annually) effective July 1, 2024, and to \$1,128 per week (\$58,656 annually) effective Jan. 1, 2025. Beginning July 1, 2024, employees who are exempt from overtime under the EAP exemption must be paid overtime if they work more than 40 hours per workweek and receive less than \$844 per week.

The final rule modifies the salary threshold for highly compensated employees (HCE). Beginning July 1, 2024, HCEs must be paid at least \$844 per week on a salary basis with a total annual compensation equal to or exceeding \$132,964 per year, and by Jan. 1, 2025, this amount goes to \$151,164 per year.

The final rule also implements an automatic increase beginning July 1, 2027, and occurring every three years thereafter.

The final rule is currently subject to three major legal challenges: *Plano Chamber of Commerce, et al. v. Su*, 4:24-CV-468 (E.D. Tex., filed May 22, 2024); *State of Texas v. Dep't of Labor, et al.*, 4:24-CV-499 (E.D. Tex., filed June 3, 2024); *Flint Avenue, LLC v. Su, et al.*, 5:24-CV-00130-C (N.D. Tex., filed June 3, 2024).

## Teen Labor Rights

Teenagers benefit from work experience but need to prioritize their education and well-being. This is reflected in child labor laws, which regulate the types of jobs teens can hold, the hours they can work, and the conditions under which they must work. Florida's Child Labor Law were recently updated, effective July 1, 2024, sparking discussions about the potential impact on young workers.

### *Teen Labor Rights – House Bill 49*

House Bill 49 amends Florida's Child Labor Law to lessen some of the restrictions on labor rules for minors 16 and 17 years of age.

For starters, HB 49 removes restrictions surrounding how many hours per day and week these teens are allowed to work, permitting them to work the same number of hours as an adult. That being said, HB 49 still imposes restrictions on the numbers of hours these minors are permitted to work, and the times during which they may work, if school is scheduled for the next day.

Teens are not allowed to work more than 30 hours in a week when school is in session unless they have a parent's permission. Teens may only work between 6:30 a.m. and 11 p.m. and may only work eight hours (except if the day of work is Sunday or a holiday), if school is scheduled for the following day.

Notwithstanding the additional number of hours teens may work pursuant to HB 49, the law still imposes other restrictions for minor employees. For example, if teens work eight or more hours in a day, they must have a 30-minute meal break after working four hours.

### *Teen Labor Rights and Education – House Bill 917*

House Bill 917 permits 16- and 17-year-olds to work in some aspects of home construction, under the supervision of someone who is 21 years or older, with two years' experience, and who maintains an Occupational Safety and Health Administration (OSHA)-10 certification. Teens working in this capacity must also obtain an OSHA-10 certification. Like the Fair Labor Standards Act, HB 917 prevents teens under 18 from working in hazardous occupations, including on any scaffolding, roofs, superstructures, or ladders that are six feet or taller.

The implementation of House Bills 49 and 917 means Florida is allowing more employment opportunities for teens. To avoid potentially hefty fines, penalties, and even legal repercussions, employers must ensure they meet the minimums set forth in the Fair Labor Standards Act child labor laws to protect the safety and well-being of young people.

## Employment Changes for Public Employees

July 1 has brought about new requirements binding public employers.

### *Florida Retirement System – House Bill 151*

With the rising cost of living across the country, re-entering the workforce can provide retirees with additional income. House Bill 151 reflects changes to the Florida Retirement System (FRS), altering several laws related to retirees and their benefits. HB 151 is relevant to retirees, potential retirees, public employers, and stakeholders in public pension funds in the Florida Retirement System.

Of most importance, beginning July 1, 2024, retirees who have been “terminated” can be reemployed by any employer that is part of the state’s retirement system. Termination occurs when “a member ceases all employment,” with certain exceptions provided by Section 121.021(39)(a), *Florida Statutes*. However, while these individuals may receive retirement benefits and compensation from their public employer, they may not receive both a salary and retirement benefits during the first six calendar months immediately subsequent to the date of retirement.

Looking ahead, HB 151 also has closed the Florida Retirement System Preservation of Benefits Plan to new members beginning July 1, 2026.

#### *Local Government Employees – Senate Bill 958*

Senate Bill 958 raises the base salary rates for tax collectors and district school superintendents by \$5,000.

SB 958 also allows tax collector employees to be eligible for monetary benefits if they adopt a child from the child welfare system. Moreover, tax collectors may pay out a retention bonus to employees if approved by state or county officials.

Finally, SB 958 also permits a school board contract with a county tax collector to have road tests administered on school grounds for driver’s licensing.

#### *Military Leave – Senate Bill 818*

Under Senate Bill 818, public officials and employees of the state, a county, a municipality, or a political subdivision, who are servicemembers or in the reserves, must be granted leave and are entitled to full pay for the first 30 days of military service. However, the active military leave must be for a period of 90 consecutive days.

#### *Forced Labor Vendors – House Bill 1331*

House Bill 1331 requires the Department of Management Services to set up a “forced labor vendor list.” HB 1331 protects against forced labor by banning companies on the state’s “forced labor vendor list” from obtaining a contract with the state – or even submitting a bid, proposal, or reply on a contract if a company is on the “forced labor vendor list.” HB 1331 also provides for fining those that cannot certify their products were produced by wage labor.

#### *Employment Regulations – House Bill 433*

House Bill 433’s passage lets Florida implement standards relating to heat exposure because Florida previously had no statewide requirements. In Florida, there is no state agency in charge of OSHA. Florida is under federal OSHA jurisdiction, which covers most private-sector workers within the state. Moreover, state and local government workers are not covered by federal OSHA.

HB 433 prohibits counties or municipalities from creating their own heat exposure requirements for employers; instead, the state will have the sole authority to determine the standards. Counties or municipalities may establish heat exposure requirements for their own employees.

HB 433 also prohibits political subdivisions from maintaining a minimum wage other than that set by the state or federal minimum wage.

#### *Employing People with Disabilities – Senate Bill 832*

The goal of the Employment First Act is to assist individuals with disabilities to find meaningful employment in the community. Senate Bill 832 updates the requirements to include the collection and sharing of data, as well as requiring the Office of Reimagining Education and Career Help to issue a report by Dec. 1 of each year on progress made via the Employment First Act.

#### **Employment Changes for Massage Parlors and Exotic Dancing**

House Bill 7063 provides that Florida is ranked third nationally for reported cases of human trafficking abuses. Employers who operate massage parlors and adult entertainment establishments will see the implantation of employment requirements and restrictions aimed at cracking down on human trafficking.

#### *Massage Parlors – House Bill 197*

House Bill 197 prohibits any kind of sexual activity in a massage business. Moreover, HB 197 authorizes the Department of Health to issue emergency suspensions of massage establishments or massage therapists if any employee of the establishment is arrested on charges relating to sexual misconduct, which includes kidnapping, human trafficking, or prostitution.

#### *Adult Entertainment Establishments – House Bill 7063*

House Bill 7063 prohibits the employment of persons younger than 21 years of age in adult entertainment establishments, which includes strip clubs, adult bookstores, or sex shops. If an adult entertainment establishment hires someone younger than 21 to work in the nude, such establishment may face a second-degree felony. HB 7063 requires adult entertainment to “carefully check” the identification of entertainers to verify their ages.

HB 7063 also revises hotline number for the Florida Human Trafficking Hotline, 1-855-FLA-SAFE, to be included in human trafficking awareness signs at strip clubs, massage parlors, rest area service plazas, emergency rooms, and other places where trafficking is known to occur.

As these changes took effect July 1, it’s important for public and private employers and employees to understand the new requirements and prohibitions in order to ensure a smooth transition and minimize exposure for failure to implement these changes.

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