

# American Staffing Association

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## FLORIDA

### Employment Law Workbook Addendum (Update on legislation enacted from Jan. 1–Dec. 31, 2013)

#### Topics

##### **I. Discrimination**

No new laws or regulations enacted in 2012 or 2013.

##### **II. Pre-Employment Inquiry Guidelines**

No new laws or regulations enacted in 2012 or 2013.

##### **III. Family and Medical Leave**

No new laws or regulations enacted in 2012 or 2013.

##### **IV. Wage and Hour Laws**

The standard minimum wage increased from \$7.67 to \$7.79 per hour and the minimum wage for tipped employees increased from \$4.65 to \$4.77 (effective Jan. 1, 2013).

Broward County adopted a “non-payment of earned wages” ordinance which creates an individual right to bring an administrative action to recover unpaid wages in excess of \$60 (eff. Jan. 2, 2013). Employees must first notify employers of the dispute within 60 days of the wage being due, but then may file a written complaint with Broward County if the dispute is not resolved. (Miami-Dade County adopted a similar ordinance in 2010.)

No new laws or regulations enacted in 2013.

##### **V. Drug Testing**

No new laws or regulations enacted in 2012 or 2013.

##### **VI. Noncompete and Other Employment Agreements**

No new laws or regulations enacted in 2012 or 2013.

##### **VII. Workplace Safety**

No new laws or regulations enacted in 2012 or 2013.

## VIII. Workers' Compensation

The state's workers' compensation law was amended to include extraterritorial reciprocity. Specifically, the Act requires that if an employee of the state temporarily leaves the state incidental to his or her employment and is involved in an accidental injury arising out of and in the course of his or her employment, the employee be entitled to benefits under the state's Workers' Compensation Act. An employee is considered to be temporarily in a state doing work for an employer if the employee is working for his or her employer in a state other than the state where he or she is primarily employed, for no more than 10 consecutive days, or no more than 25 total days, during a calendar year (HB 723, Fl. Stat. §§ 440.09, 440.094, effective July 1, 2011).

No new laws or regulations enacted in 2012.

Workers' Compensation System Administration: Revises requirements relating to submitting notice of election of exemption; revises effectiveness of stop-work orders & penalty assessment orders; revises immunity from liability standards for employers & employees using help supply services company; deletes & revising definitions; revises health care provider requirements & responsibilities; deletes rulemaking authority & responsibilities of DFS; revises provider reimbursement dispute procedures; revises penalties for certain violations or overutilization of treatment; revises criteria for appointment of expert medical advisors; deletes certain OIR audit requirements; deletes provisions providing for removal of physicians from lists of those authorized to render medical care under certain conditions; revises limitations on compensation for temporary total disability; revises & deleting penalties for noncompliance relating to duty of employer upon receipt of notice of injury or death; transfers certain responsibilities of OIR of FSC to department; deletes requirement that provision that is mutually agreed upon in any collective bargaining agreement must be filed with department; revises certain carrier reporting requirements; revises duties of department upon referral of injured employee. (Ch. 2013-141, effective July 1, 2013).