Table of Contents

CHAPTER 1. INTRODUCTION

§ 1:1 Introduction

CHAPTER 2. HIRING RULES AND REGULATIONS

- § 2:1 Employment at-will
- § 2:2 Equal opportunity and affirmative action
- § 2:3 Good faith in employment contracts
- § 2:4 Noncompete agreements or restrictive covenants
- § 2:5 Background checks and employment screening
- § 2:6 Job training
- § 2:7 Job assistance for displaced homemakers
- § 2:8 Confirming potential new employee or contractor's eligibility to work in Florida

CHAPTER 3. EMPLOYMENT CONTRACTS AND FLORIDA CONTRACT LAW

- § 3:1 Breach of an employment contract
- § 3:2 Breach of a third-party beneficiary contract
- § 3:3 Rescission or cancellation of a contract
- § 3:4 Specific performance of an employment contract
- § 3:5 Tortious interference with a contractual relationship
- § 3:6 Workforce services

CHAPTER 4. INDEPENDENT CONTRACTORS, THE GIG ECONOMY, AND PROTECTED LABOR GROUPS

- § 4:1 Florida's various definitions of independent contractor
- § 4:2 Florida's gig economy
- § 4:3 Florida's Labor Pool Act
- § 4:4 Apprenticeships
- § 4:5 Child labor
- § 4:6 Migrant labor
- § 4:7 Minority labor groups, Chapter 450, Florida Statutes

CHAPTER 5. WAGE AND HOURS OF WORK

- § 5:1 Legal day's work; overtime; extra pay; scheduling
- § 5:2 Florida's state minimum wage

- § 5:3 Equal Pay Act: Wage rate discrimination based on sex prohibited
- § 5:4 Payment of wages via direct deposit
- § 5:5 Entitlement to attorney fee awards for prevailing parties in unpaid wage litigation
- § 5:6 Determining the amount of attorney's fee awards for prevailing parties in unpaid wage litigation
- § 5:7 Appeals involving attorney's fee awards for prevailing parties in unpaid wage litigation
- § 5:8 Retirement plans and employee stock ownership
- § 5:9 General Labor Relations, Chapter 448, Florida Statutes

CHAPTER 6. RETALIATION, COERCION OR HARASSMENT OF WORKERS

- § 6:1 Florida's Private-Sector Whistle-Blower Act (private sector)
- § 6:2 Workers' compensation retaliation: Discharge or intimidation claims
- § 6:3 Strike
- § 6:4 Blacklisting, "cancel culture," and wrongful combinations against workers
- § 6:5 Retaliation for participating or not participating in a boycott
- § 6:6 Disclosing information about a current or former employee
- § 6:7 Retaliation because of Sickle-Cell Trait or Sickle Cell Anemia
- § 6:8 Retaliation for being a witness, testifying, or answering a subpoena
- § 6:9 Retaliation for jury duty or serving on jury
- § 6:10 Retaliation by denying employee a seat or opportunity to sit
- § 6:11 Retaliation for refusing to perform or assist in abortions
- § 6:12 Retaliation for voting or retaliation for voting for or against the employer's preferred candidate or issue
- § 6:13 Other forms of retaliation or retaliatory discharge

CHAPTER 7. FLORIDA COMMISSION ON HUMAN RELATIONS

- § 7:1 Purpose, functions and structure
- § 7:2 Complaint or charge of discrimination to Florida Commission on Human Relations regarding unlawful employment practices
- § 7:3 Investigatory powers

Table of Contents

- § 7:4 Mediation
- § 7:5 Notice of determination by the Florida Commission on Human Relations and right to sue letter
- § 7:6 Conciliation
- § 7:7 Employment practices made illegal by the Florida Civil Rights Act that are within the jurisdiction of the Florida Commission on Human Relations
- § 7:8 Petition for relief from an unlawful employment practice at Florida Commission on Human Relations after notice of determination by the commission
- § 7:9 Florida Administrative Code Chapter 60Y Governing
 Practice and Procedure Before the Florida Commission
 on Human Relations

CHAPTER 8. DISCRIMINATION IN EMPLOYMENT

- § 8:1 Discrimination distinguished from other causes of action
- § 8:2 Employment discrimination under the Florida Civil Rights Act (Florida Civil Rights Act)
- § 8:3 Florida Civil Rights Act of 1992 (including subsequent amendments)

CHAPTER 9. REASONABLE ACCOMMODATION

- § 9:1 Purpose of this chapter
- § 9:2 Reasonable accommodations under federal law are the same under the Florida Civil Rights Act

CHAPTER 10. PAID LEAVE AND TIME OFF

- § 10:1 Purpose of this chapter
- § 10:2 No State Law Right to Paid Leave
- § 10:3 No state law right to unpaid time off

CHAPTER 11. WORKPLACE HEALTH AND SAFETY

- § 11:1 Introduction
- § 11:2 Workplace heat exposure
- § 11:3 Qualifying what is meant by an occupational disease or a hazardous exposure
- § 11:4 Making a claim for an occupational disease or a hazardous exposure at the workplace
- § 11:5 Florida's occupational disease statute
- § 11:6 Florida's workers' compensation law

CHAPTER 12. RETIREMENT AND RETIREMENT BENEFITS

- § 12:1 Inapplicability of Florida law to the retirement plans, if any, of Florida employers who are not the state, a Florida county or a Florida city
- § 12:2 State law requirements for qualifying for retirement benefits provided to employees of the state of Florida, a Florida county, or a Florida city
- § 12:3 Benefits available to eligible, retired employees of the State of Florida, a Florida county, or a Florida city, district or municipality
- § 12:4 Florida retirement laws

CHAPTER 13. UNIONS AND COLLECTIVE BARGAINING

- § 13:1 Role of Florida state law in light of federal laws and regulations governing unions and collective bargaining
- § 13:2 Right to unions and to collective bargaining in Florida, and limitations upon those rights
- § 13:3 The Florida Labor Union Law

CHAPTER 14. PUBLIC EMPLOYEES AND EMPLOYMENT BY THE STATE

- § 14:1 Workplace injuries suffered by public employees
- § 14:2 The Florida Heart/Lung Bill (for public employees)
- § 14:3 Hepatitis, Meningococcal Meningitis, or Tuberculosis of public employees
- § 14:4 Law enforcement officers, firefighters, emergency medical technicians, and paramedics, and the legislative presumptions that protect them
- § 14:5 Application of Florida Administrative Procedures Act to Florida's public employees
- § 14:6 Sovereign immunity
- § 14:7 Employment Screening
- § 14:8 Public Officers and Employees
- § 14:9 Laws regulating the public employees relations commission

CHAPTER 15. EMPLOYMENT LAW TORTS

- § 15:1 Negligent Retention or Hiring
- § 15:2 Negligent infliction of emotional distress
- § 15:3 Negligent misrepresentation
- § 15:4 Defamation, slander or libel

Table of Contents

- § 15:5 Assault
- § 15:6 Battery
- § 15:7 Immunity of employer from tort claims of employees

CHAPTER 16. UNEMPLOYMENT AND REEMPLOYMENT

- § 16:1 Florida's unemployment benefits and reemployment assistance
- § 16:2 How an award or denial of unemployment compensation is made
- § 16:3 Three stages of an appeal from grants or denials of unemployment benefits: office of appeals, reemployment assistance appeals commission, and district court of appeal
- § 16:4 Unemployment and Workers' Compensation
- § 16:5 Chapter 443, Florida Statutes

CHAPTER 17. LITIGATION

- § 17:1 Purpose of this chapter
- § 17:2 Stating a cause of action
- § 17:3 Relevant excerpts from the Florida Rules of Civil Procedure for pleading a claim or defense in Florida labor and employment litigation

CHAPTER 18. EMERGING TRENDS

- § 18:1 Purpose of this chapter
- § 18:2 Emerging trend in Florida employment law

APPENDIX

Appendix A. Unemployment Form

Table of Laws and Rules

Table of Cases

Index