

PREFACE

How are Florida's labor and employment laws different from federal law? That question helped motivate me to write this book. Here, I do not attempt to tackle federal laws and regulations. Instead, the goal of this book is to cover Florida laws relevant to the regulation of labor and employment in this state. Although federal labor and employment laws affect nearly every aspect of employment in Florida, Florida law contains a plethora of additional and sometimes unique requirements for Florida's employers and employees. I believe you may find that *Florida Labor and Employment Law* is a concise yet thorough exploration of all relevant Florida Statutes and Florida Administrative Code provisions that affect those who employ others or who work as employees in the State of Florida. The intended audience is my fellow Florida labor and employment attorneys. The intended use is as a reliable resource for all those giving Florida labor and employment advice or litigating such claims in Florida state and federal courts.

The structure of the book reflects the practical sequence of employment problems. It begins with hiring rules and regulations, including employment at will, equal opportunity, restrictive covenants, background checks, job training, and eligibility to work in Florida. From there it moves into employment contracts and contract-law issues such as breach, rescission, specific performance, third-party beneficiary claims, and tortious interference. Those early chapters establish the legal foundation for the employment relationship and help explain how that relationship is formed, defined, and sometimes broken.

The book then broadens to cover the many kinds of work arrangements and labor groups that appear in modern practice. Independent contractor classification, the gig economy, labor pools, apprenticeships, child labor, migrant labor, and minority labor protections all receive attention. These topics matter because the classification of a worker often determines which rights, duties, and remedies apply. In a state as economically diverse as Florida, practitioners might encounter employment relationships that do not fit neatly into a single traditional model.

Wage-and-hour law receives substantial treatment because compensation disputes are among the more common and more

consequential employment matters. The book addresses the legal day's work rules, overtime, extra pay, scheduling, the Florida minimum wage, direct deposit, and the Equal Pay Act's prohibition on wage discrimination based on sex. It also covers attorney's fees in unpaid-wage litigation, including how they are awarded, calculated, and appealed. That focus reflects the practical reality that wage disputes constitute a large part of Florida's labor and employment litigation.

Retaliation and coercion are treated as distinct subjects because many workplace claims arise not from the underlying complaint alone, but from what happens after the complaint is made. The book addresses whistle-blower protections, workers' compensation retaliation, blacklisting, retaliation related to boycotts, jury duty, subpoenas, voting, abortion-related refusals, and other forms of retaliatory discharge or intimidation. It also includes protections linked to particular statuses or acts, such as sickle-cell conditions and refusal to sit or to participate in certain activities.

A substantial portion of the book covers discrimination law and the administrative and judicial processes that often accompany it. The discussion of the Florida Commission on Human Relations explains its purpose, powers, mediation and conciliation functions, charge procedures, determinations, right-to-sue letters, and the administrative rules governing practice before the agency. The discrimination chapters then separate discrimination claims from other causes of action and explain the Florida Civil Rights Act and related principles. The treatment of reasonable accommodation follows naturally from that material, recognizing that accommodation questions are often intertwined with statutory rights and administrative processes.

The book also addresses some legal questions about time off, health, safety, and family responsibilities. It explains that Florida law generally does not create a broad state-law right to paid leave or unpaid time off, and then turns to workplace health and safety topics such as heat exposure, occupational disease, hazardous exposure, and workers' compensation claims.

Retirement and retirement benefits are mentioned in the context of public-sector employment. The book explains when Florida law applies to retirement plans and when it does not, then examines statutory requirements for retirement benefits available to employees of the state, counties, cities, districts, and municipalities. That discussion flows into chapters on unions and collective bargaining and on public employees and employment by the state.

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The treatment of employment torts is another important feature of the book. Negligent hiring and retention, negligent infliction of emotional distress, negligent misrepresentation, defamation, assault, battery, and employer immunity all receive separate discussion. These tort theories may interact with employment statutes and workplace immunities.

Unemployment and reemployment assistance receive a dedicated chapter as well. The book explains how benefits are awarded or denied, how appeals proceed through the office of appeals, the Reemployment Assistance Appeals Commission, and the district court of appeal, and how unemployment law relates to workers' compensation and Chapter 443.

The litigation chapter ties the substantive law together by focusing on pleading a cause of action and using the Florida Rules of Civil Procedure in labor and employment cases. That section is a reminder that the success of an employment claim often depends not only on the existence of a right, but also on how that right is pleaded and proved. The book closes with a chapter on emerging trends, acknowledging that employment law changes as workplaces, statutes, and courts evolve.

Taken as a whole, this book is meant to be both comprehensive and practical. The chapters provide a roadmap through many issues that recur in Florida practice. The appendices, tables of laws and rules, tables of cases, and index further suggest that the book is intended to function not merely as a narrative overview, but as a working reference.

So I offer this word of thanks to those of you who have purchased this book, or used it, or have taken part in this labor and employment law system of ours. No system of earthly justice will ever be perfect. I express my thanks to the voters, legislators, lawyers, litigants and judges who try every day to make this system as perfect as human frailty will allow. Speaking of thanks, indulge me for a moment as I express my gratitude to those who supported this endeavor of mine. I thank my Bernadette for being the world's best wife and mother; my children Patrick James and Madeleine Marie for making my and Bernadette's world a better place; my sister Alice Rose and my brother-in-law Steve who always root for me in my every endeavor; my editorial team at Thomson Reuters Westlaw; and all my other friends and family too numerous to mention who gave me their moral support during this ongoing endeavor. I offer a special word of thanks to the lawyers of our state who fight for justice every day. Above all, I thank my Lord and Savior for the mercy He shows me, the abil-

ity He gives me to write this book, and for all His other gifts to me, none of which I deserve. Those who need proof that our merciful Lord bestows His blessings even upon the undeserving need look no further than me.

Hopefully this book will serve its purpose of speeding you through your legal research so you can spend less time on the law and more time with your loved ones. As always, please keep your comments and suggestions coming. Call, text or email me anytime. I always enjoy hearing from my readers. I will answer any legal questions you may have (assuming I know the answer). Thank you for relying upon my book. I hope it serves you well. May God continue to bless us all.

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