New Florida Law Blocks Certain Local Workplace Rules: Top 3 Things Employers Should Note

Insights
4.22.24

Under a new Florida law, employers will need to turn to state and federal agencies – rather than local governments – for guidance on certain key workplace rules. Specifically, Governor Ron DeSantis signed HB 433 on April 11, which preempts local governments from passing laws related to workplace heat safety protocols and curbs their ability to use contracting power to influence private employer wage rates and employee benefits. The new law also prohibits local governments from making their own rules about workplace scheduling or "predictive scheduling" for private employers. Here are the three top takeaways for employers as you prepare for compliance.

1. Heat Safety Protocols

Florida falls under federal OSHA jurisdiction, which covers most private-sector workers in the state. The new statute bans counties and municipalities from requiring private employers to offer heat safety protections to employees beyond what's required under the Occupational Health and Safety Act (OSH Act).

For example, the Miami-Dade County Commission recently withdrew a bill that would have required employers to provide outdoor construction and farm workers with 10-minute breaks in the shade every two hours. Going forward, Florida employers should continue to ensure their practices comply with the federal OSH Act.

To provide a safe workplace, consider taking the following steps before summer:

- **Perform a hazard analysis** of all positions that may involve exposure to extreme heat. You should note that OSHA typically enforces heat related hazards through the General Duty Clause of the OSH Act.
- **Prepare a heat illness prevention program**, outlining a plan to reduce heat illnesses and injuries.
- Ensure employees have **access to cold water** throughout their shifts, provide **cooling fans**, and allow access to **shaded areas**.
- Designate an employee to **monitor working conditions on hot days**.
- **Train employees** on how to avoid heat illnesses and monitor workers for any symptoms.

- Ensure employees showing heat illness symptoms can **obtain immediate medical attention**.

This part of the new law will take effect on July 1.

2. Wages and Employee Benefits

Under HB 433, local governments will be prohibited from using their purchasing or contracting power to control the wages or employment benefits of entities they do business with. They will also be barred from awarding preferences to entities that offer more favorable wages and benefits to employees. Additionally, HB 433 moves local governments' ability to:

- require an employer to pay a higher minimum wage than required by state or federal law;
- apply a state or federal minimum wage to wages that are exempt from a state or federal minimum wage; or
- provide employment benefits not otherwise required by state or federal law.

Notably, counties such as Broward and Miami-Dade – which have living wage ordinances mandating higher pay than the state minimum wage for service contractors and subcontractors – will be impacted the most by the wage requirement revisions.

These revisions to the Florida Statutes will go into effect for contracts entered after September 29, 2026.

3. Scheduling and Predictive Scheduling

Finally, HB 433 impacts a local government's ability to force private employers to implement scheduling and predictive scheduling policies. Predictive scheduling laws require employers to provide work schedules to employees in advance. In some instances, predictive scheduling laws also require employers to provide additional benefits to employees. For instance, Oregon requires employers in the retail, hospitality, and food industries (with at least 500 employees worldwide) to provide schedules posted in an obvious location at least 14 days in advance, pay employees a penalty for shift changes with no notice, permit employees to provide input on availability and to reject shifts not on schedule, and allow employees at least 10 hours between shifts on back-to-back days.

Under Florida's new legislation, effective July 1, any predictive scheduling requirement will have to be enacted by the Florida Legislature and Governor.

Conclusion

Changes in the law inevitably bring growing pains for both employers and employees, and we will continue to monitor developments in this area. If you have any questions, contact the authors of this insight, your Fisher Phillips attorney, or any attorney in one of our Florida offices for guidance. Make

sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information directly to your inbox.

Related People

Charles S. Caulkins
Partner
954.847.4700
Email

John Doty
Associate
954.847.4708
Email

Service Focus

Wage and Hour

Workplace Safety and Catastrophe Management

Related Offices

Related Offices

Fort Lauderdale

Orlando

Tampa