

Florida Workplace Bills for Employers to Watch During the 2024 Legislative Session

Article By:

Employment Law at Ogletree Deakins

Florida's 2024 regular legislative session runs from January 9 through March 8, 2024, and is one to watch for employers. Dozens of workplace bills have been filed. If passed, three sets of these bills may have a particularly significant impact across many industries. Child labor bills would largely remove work restrictions for sixteen- and seventeen-year-olds, workplace heat exposure bills may add stringent requirements for Florida employers, and bills related to gender identity and biological sex could create new causes of action and might be challenged as contrary to federal law.

Quick Hits

- The Florida Legislature has taken up several pieces of potentially significant legislation, including bills addressing child labor that would alter the number of hours, hours during the day, and number of consecutive days, that teenagers fourteen years of age through seventeen years of age may lawfully work.
- Other proposed legislation would require the Florida Department of Commerce to adopt statewide workplace heat-exposure requirements if OSHA has not issued a specific standard by July 1, 2028, and it would also preempt local ordinances related to heat exposure.
- Bills that would define “sex” and prohibit employers from asking about a person’s preferred personal pronouns could run afoul of the Supreme Court’s finding that Title VII’s prohibition on discrimination because of sex includes sexual orientation and transgender status.

Employment and Curfew of Minors

The federal Fair Labor Standards Act sets a minimum age for working during school hours, performing certain jobs after school, and prohibits work in hazardous occupations. Florida law has additional protections specifically for sixteen- and seventeen-year-olds, and fourteen- and fifteen-year-olds, which restrict the times and how many hours they may work, and what jobs or occupations they may perform. Further, a governing body of the county or municipality must adopt Florida’s statutory curfews covering minors under the age of sixteen for it to apply.

Pending Bills: House Bill (HB) 49 and Senate Bill (SB) 1596:

- [HB 49](#) would remove restrictions concerning the number of work hours for sixteen- and

seventeen-year-olds, revise the times of day they may work, and limit current restrictions prohibiting them from working more than six consecutive days in any one week or four hours continuously without a break. HB 49 would further require juvenile curfews to include certain exceptions.

- [SB 1596](#) mirrors HB 49, but does not address curfews.

If enacted, these bills may encourage Florida employers to employ more sixteen- and seventeen-year-olds and to increase their working hours. While proponents believe this would help to fill open jobs and boost the economy, others note concerns that lifting restrictions could negatively affect school performance.

Workplace Heat Exposure Requirements and Local Preemption

In April 2022, the federal Occupational Safety and Health Administration (OSHA) issued a [national emphasis program](#) on indoor and outdoor heat-related hazards that expands on the agency's ongoing heat-related illness prevention campaign. OSHA currently enforces heat hazards under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970. The introduction of a long-anticipated specific heat injury and illness prevention standard has yet to happen.

[California](#), Colorado, Minnesota, [Oregon](#), and [Washington](#) have specific laws governing occupational heat exposure. Florida currently has no such state law in effect and is under the jurisdiction of federal OSHA. (In November 2023, the Miami-Dade County Board of County Commissioners considered a heat illness prevention proposal covering construction and agriculture companies with five or more employees; however, the Board deferred consideration of the [proposal](#) until March 2024.)

Pending Bills

- *Employment Regulations:* [SB 1492](#). This bill would prohibit a political subdivision from requiring an employer to meet heat exposure requirements not already required under state or federal law—unless compliance would prevent the receipt of federal funds. It would also prohibit giving preference in solicitations based upon an employer's heat exposure requirements.
- *Employment Regulations:* [HB 433](#). This bill has similar prohibitions to SB 1492, but would require the Florida Department of Commerce to adopt statewide workplace heat exposure requirements if OSHA has not issued a specific standard by July 1, 2028. It is also much broader, with provisions that would preempt municipal-level wage standards and all other labor issues by prohibiting localities from adopting rules “providing a term or condition of employment that exceeds or conflicts with the requirements of state or federal law relating to a term or condition of employment.”
- *Heat Illness Prevention:* [HB 945](#) and [SB 762](#). These bills would require Florida “employers in industries where employees regularly perform work in an outdoor environment” to provide detailed acclimatization, high-heat procedures, drinking water, shade, and annual training to employees and supervisors. Such provisions could place a strain on small businesses, particularly those with multilingual workplaces.

Gender Identity and Biological Sex

Similar to the [enjoined 2022 “Stop WOKE” law](#), these bills would create new causes of action against Florida employers and some provisions might be challenged as contrary to federal law. Specifically,

the Supreme Court of the United States [found](#) that Title VII of the Civil Rights Act of 1964's prohibition on discrimination "because of ... sex" includes sexual orientation and transgender status.

Pending Bills

- *Biological Sex*: [HB 1233](#). Among other things, this bill defines "sex" for purposes of the Florida Civil Rights Act of 1992 to mean "the classification of a human person as either male or female based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth." Further, it states that "[a]ll references to the term 'gender' ... must be deemed to refer solely to sex ... unless a different meaning is plainly required by context to qualify, limit, or define a specific word or phrase" and "'Equal,' with respect to sex, does not mean 'same' or 'identical.'"
- *Gender Identity Employment Practices*: [HB 599](#) and [SB 1382](#). These bills would prohibit certain employers and/or nonprofit organizations from asking for/requiring preferred personal titles or pronouns, or mandating training on sexual orientation, gender identity, or gender expression.

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