

● **WHISTLEBLOWER LAW**

STATUTORY CITATION: Fla. Stat. §§ 448.101 – 448.105

GENERAL SUMMARY: Chapter 448 of the Florida statutes includes a provision making it illegal for employers of 10 or more employees to fire, suspend, demote or take any other adverse employment action against a worker for having disclosed, or threatened to disclose, to an appropriate governmental agency an activity, policy or practice of the employer that is in violation of federal, state or local law. It is also unlawful for an employer to take retaliatory personnel action against a worker who has testified or provided information to a governmental agency conducting an investigation, hearing or inquiry into an employer's alleged violation of any law or regulation.

PROVISIONS APPLICABLE TO AGRICULTURE: Florida's whistleblower provision protects virtually all employees in the state, and applies to virtually all employers with 10 or more employees, without regard to occupation or industry.

SPECIAL NOTES OR ADVISORIES

SUPERVISOR NOTIFICATION — Before a worker may claim damages for disclosing an employer's unlawful activity, policy or practice, the worker must first bring the alleged violation to the attention of a supervisor or the employer, in writing, and give the employer a reasonable opportunity to correct the activity, policy or practice.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — A worker who has been subjected to retaliation in violation of this law may take action in civil court against the employer involved, using a private attorney or public legal service provider. The suit must be filed within 2 years after the employee discovered that the retaliatory action was taken, or within 4 years after the action was taken, whichever is earlier. If the court rules in the worker's favor, it may order reinstatement of the worker to the job, compensation for lost wages and benefits, and other monetary damages.