EMPLOYCO USA
The Power to Compete

Minimum Wage and Overtime Laws

The Fair Labor Standards Act (FLSA) regulates minimum wage, overtime and work hour requirements for most employees. The current federal minimum wage rate is $7.25 per hour for nonexempt employees. Florida law complements federal law and, in some instances, prescribes more stringent and additional requirements that employers must follow. Whenever employers are subject to both state and federal laws, the law that provides the greatest protection or benefit for employees applies.

Florida law does not specify an agency to enforce and administer the state's minimum wage laws. However, the Florida attorney general may enforce the state's minimum wage laws.

Minimum Wage Rate

Florida employers must pay employees at least the state's minimum wage for all hours worked in the state. Under Florida's constitution, the state's minimum wage rate increased by $1.00 per hour annually until it reached $15 per hour on Sept. 30, 2026. Beginning on Sept. 30, 2027, the state minimum wage rate will be adjusted annually. The Florida Constitution requires the Florida Department of Commerce (DOC) to calculate a minimum wage rate each year based on the inflation rate for the previous 12-month period. That rate will take effect on the subsequent Jan. 1.

Effective Date	Sept. 30, 2024	Sept. 30, 2025	Sept. 30, 2026
Minimum Rate (per hour)	$13	$14	$15
Tipped Employee (per hour)	$9.98	$10.98	$11.98

Florida does not allow employers to pay eligible employees less than the state's minimum wage rate. In addition, several Florida localities and municipalities have adopted living wage ordinances that apply to service contractors.

Tipped Employees

In Florida, a tipped employee's hourly cash wages plus tips must at least equal the state minimum wage. Employers may take a tip credit of up to $3.02 per hour to offset tipped employees' cash wages. Florida uses the FLSA's eligibility requirements for tipped employees. Employers must make up the difference in cash wages if a tipped employee's tips combined with cash wages do not equal the minimum hourly wage.

Overtime Pay

Florida follows the FLSA's overtime regulations. However, employees performing manual labor of any kind, whether by the day, week, month or year, must receive extra pay for any hours worked beyond 10 hours per day unless a written agreement provides otherwise. For employees performing manual labor, a workday is a 10-hour period.

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Minimum Wage and Overtime Exemptions

Florida has no state-specific laws related to minimum wage and overtime exemptions. FLSA-covered employers operating in the state must follow the FLSA's minimum wage and overtime exemptions.

Posting

Employers that must pay an employee the Florida minimum wage must prominently display a minimum wage notice (or one substantially similar to the DOC's minimum wage notice) in a conspicuous and accessible place in each establishment where employees are employed.

Enforcement and Penalties

Aggrieved employees may file a civil action for minimum wage violations. However, before bringing a claim for unpaid minimum wages, employees must give their employer advance written notice of their intention to initiate such an action. The notice must identify the minimum wage the employee claims they are entitled to, the actual or estimated work dates and hours for which the employee seeks payment and the total amount of alleged unpaid wages through the date of the notice. Employers have 15 calendar days after receipt of the notice to pay the total amount of unpaid wages or otherwise resolve the claims. If the employer fails to pay the total amount of unpaid wages or otherwise resolve the claim to the aggrieved employee's satisfaction, the employee may bring a claim for unpaid minimum wages. Employees may recover back wages, liquidated damages in an amount equal to the back wages owed, reasonable attorney fees and costs, and other appropriate legal or equitable relief, including reinstatement and injunctive relief. However, if the employer proves by a preponderance of the evidence that they acted in good faith and had reasonable grounds for believing their actions were not violations, the court, in its discretion, may decide not to award liquidated damages or award liquidated damages in an amount less than the amount of the unpaid wages. In addition, employers that willfully violate the state's minimum wage laws may be subject to a fine of $1,000 for each violation.

The Florida attorney general may bring a civil action to enforce minimum wage violations. In such actions, the attorney general may seek injunctive relief or a $1,000 fine per violation for willful violations.

Employers may not discriminate or retaliate against employees for exercising their rights under the state's wage and hour laws, including the rights to file a complaint, report or inform any person of employer violations of wage and hour laws, inform any person of their potential wage and hour rights, and assist another person in asserting their rights.

More Information

Contact Employco USA, Inc. for more information on minimum wage and overtime laws in Florida.

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