

● FLORIDA MINIMUM WAGE ACT

STATUTORY CITATION: Fla. Const. Art. X, § 24; Fla. Stat. § 448.110

GENERAL SUMMARY: In 2004, the Florida constitution was amended via public initiative to establish a state minimum wage, sufficient to provide a decent and healthy life for all working Floridians and their families. The amendment authorized the state administering agency to adjust the initial minimum wage rate for inflation on September 30 each year, applicable to the subsequent calendar year.

Effective January 1, 2017, Florida's minimum wage is \$8.10 per hour.

PROVISIONS APPLICABLE TO AGRICULTURE: Inasmuch as the Florida minimum wage applies only to workers covered by the minimum wage provisions of the federal Fair Labor Standards Act (*see entry, U.S.—Wages & Hours—Minimum Wage*), a farmworker's right to receive the state minimum wage applies only if he or she is employed by a farm establishment that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination).

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for an employer to discriminate or retaliate in any way against a worker for filing a complaint under these provisions, or for informing another worker of his or her rights under the Florida Minimum Wage Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *None.* Workers who believe they have been denied their right to receive the state minimum wage must file suit in civil court to enforce compliance, using a private attorney or public legal service provider. Prior to filing suit, however, a worker must notify the employer involved of the intent to sue and identify the minimum wage rate, the dates and hours of work, and the total amount of unpaid wages claimed. A worker who prevails in court is entitled to collect the full amount of unpaid wages, plus an equal amount in damages, plus court costs and attorney's fees. Likewise, an employer found in willful violation is subject to a fine payable to the state in the amount of \$1,000 for each violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Bureau of Labor Market Statistics, Florida Department of Economic Opportunity, Tallahassee, Florida 32399 (850-245-7205).* This agency is responsible for annual adjustment of the state minimum wage rate.