

**May 16, 2011**

**MEMORANDUM NO: 033-11HR**

**TO: Agency Administrators**

**FROM: Bobbie Chappell**

**VIA: Rip Colvin, Executive Director**

**RE: Florida's Minimum Wage**

The Florida minimum wage is \$7.31 per hour, effective June 1, 2011. Florida law requires the Agency for Workforce Innovation to calculate an adjusted minimum wage rate each year. The annual calculation is based on the percentage change in the Federal Consumer Price Index for urban wage earners and clerical workers in the South Region for the 12-month period prior to September 1, 2010.

On November 2, 2004, Florida voters approved a constitutional amendment which created Florida's minimum wage. The minimum wage applies to all employees in the state who are covered by the Federal minimum wage.

Employers must pay their employees the hourly state minimum wage for all hours worked in Florida. The definitions of "employer", "employee", and "wage" for state purposes are the same as those established under the Federal Fair Labor Standards Act (FLSA). Employers of "tipped employees" who meet eligibility requirements for the tip credit under the FLSA, may count tips actually received as wages under the Florida minimum wage. However, the employer must pay "tipped employees" a direct wage. The direct wage is calculated as equal to the minimum wage (\$7.31) minus the 2003 tip credit (\$3.02), or a direct hourly wage of \$4.29 as of June 1, 2011.

Employees who are not paid the minimum wage may bring a civil action against the employer or any person violating Florida's minimum wage law. The state attorney general may also bring an enforcement action to enforce the minimum wage. FLSA information and compliance assistance can be found at: <http://www.dol.gov/dol/compliance/comp-flsa.htm>.

Florida Statutes require employers who must pay their employees the Florida minimum wage to post a minimum wage notice in a conspicuous and accessible place in each establishment where these employees work. This poster requirement is in addition to the Federal requirement to post a notice of the Federal minimum wage. Florida's minimum wage poster is available for downloading in English and Spanish from the Agency for Workforce Innovation's website at: <http://www.floridajobs.org/workforce/posters.html>.

The Federal poster can be downloaded from the U.S. Department of Labor's website at: <http://www.dol.gov/whd/regs/compliance/posters/flsa.htm>.

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## **FLORIDA'S MINIMUM WAGE RESOURCES**

- [2011 Notice to Employees Poster \(English\)](#)
- [2011 Notice to Employees Poster \(Spanish\)](#)
- [2010 Notice to Employees Poster \(English\)](#)
- [2010 Notice to Employees Poster \(Spanish\)](#)

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