

## ALERTS AND UPDATES

### Florida Minimum Wage Is Now Higher Than Federal Minimum

June 20, 2011

Florida's minimum wage rose to **\$7.31** per hour, effective June 1, 2011. The increase is a result of a recent lawsuit—*Cadet v. Fla. Agency for Workforce Innovation*—filed in Leon County Circuit Court where the judge ruled that the Florida Agency for Workforce Innovation had miscalculated the minimum wage, and ordered it to be increased.

The minimum wage applies to all employees in the state who are covered by the federal minimum wage. Employers are required to pay their employees the higher of the two wage levels. Because Florida's minimum wage is now higher than the current federal minimum wage rate of \$7.25, covered employers have to honor the state's higher wage rate. Florida employers must post the updated [state minimum-wage notice](#) in a conspicuous and accessible place in each workplace.

For tipped employees, since the Florida Constitution caps the tip credit at \$3.02, employers are required to pay a direct wage of \$4.29 per hour (*i.e.*, \$7.31 – \$3.02).

The definitions of "employer," "employee" and "wage" for state purposes are the same as those established under the federal Fair Labor Standards Act (FLSA). More information is available on the State of Florida, Agency for Workforce Innovation's website, available at [www.floridajobs.org/minimumwage](http://www.floridajobs.org/minimumwage).

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: [www.dol.gov/dol/compliance/comp-flsa.htm](http://www.dol.gov/dol/compliance/comp-flsa.htm).

### For Further Information

If you have any questions about this *Alert*, please contact any of the [attorneys](#) in our [Employment, Labor, Benefits and Immigration Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

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