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Client Alert: Florida Minimum Wage to Increase on September 30, 2022

SERVICE LINE

Labor & Employment

MEDIA CONTACT

Wendy M. Byrne

wbyrne@shumaker.com

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On September 30, 2022, the minimum wage in Florida will increase from \$10 per hour to \$11 per hour. Employers may pay their properly tipped employees a lower rate of \$7.98 per hour (increased from \$6.98 per hour), but the tipped employee must earn enough in tips to make up the difference. All Florida employers, regardless of size, must comply with the increase.

This latest increase to Florida's minimum wage is part of the state's larger plan, which was approved by voters in 2020, to increase Florida's minimum wage by \$1 per year until reaching \$15 in September 2026.

In addition to adjusting the minimum wages of their employees, Florida employers are also required, as always, to post a minimum wage notice in a conspicuous and accessible place in each location where employees perform minimum wage work. Employers taking a tip credit against their tipped employees' wages are also required, as always, to provide their tipped employees with notice: (1) of the amount of cash wages the employer is paying the tipped employee; (2) of the amount claimed by the employer as a tip credit; (3) that the tip credit cannot exceed the amount of tips actually received; (4) that all tips received by the employee are to be retained by the employee except where the employee participates in a valid tip pool; and (5) that the tip credit will not apply to any tipped employee unless the employee has been informed of these provisions.

As Florida's minimum wage has increased, Florida employers must ensure that they are paying their non-exempt employees at the increased rate. Should you have any questions regarding Florida's minimum wage or your employees' exemption status, we are happy to assist.