

NOTICE TO EMPLOYEES

MINIMUM WAGE IN FLORIDA

The 2010 minimum wage in Florida is the federal minimum wage of \$7.25 per hour, with a minimum wage of at least \$4.23 per hour for tipped employees, in addition to tips. This new minimum wage went into effect July 24, 2009 when the new federal minimum wage exceeded Florida's prior minimum wage.

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. In 2009, however, the new federal minimum wage took effect. In deciding whether the federal or state minimum wage applies, federal law directs that businesses must pay the higher of the two. The federal minimum wage will prevail over the state rate until such time as the Florida minimum wage becomes higher than the federal rate.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details, see Section 24, Article X of the State Constitution and Section 448.110, Florida Statutes.