

By Senator Martin

33-00113A-26

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A bill to be entitled

An act relating to minimum wage requirements; providing a short title; amending s. 448.110, F.S.; exempting an employer from state minimum wage requirements for specified employees; prohibiting certain work-based learning opportunities from lasting longer than a specified timeframe; authorizing employees to voluntarily opt out of the state minimum wage requirements by signing a waiver; prohibiting an employer from coercing an employee into opting out of the state minimum wage; providing requirements for the waiver to be effective for a minor employee; requiring employers to pay an employee at or above the federal minimum wage; providing that an employee's waiver to opt out of the state minimum wage is only valid for a specified timeframe; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "On-the-Job Workforce Training Act."

Section 2. Subsection (3) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(3) (a) Employers shall pay employees a minimum wage at an hourly rate of \$6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act, as amended, and its

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30 implementing regulations shall be eligible to receive the state  
31 minimum wage pursuant to s. 24, Art. X of the State Constitution  
32 and this section. The provisions of ss. 213 and 214 of the  
33 federal Fair Labor Standards Act, as interpreted by applicable  
34 federal regulations and implemented by the Secretary of Labor,  
35 are incorporated herein.

36 (b) An employer is not subject to the state minimum wage  
37 requirements of this section for an employee who is in a  
38 structured work-study program, internship, preapprenticeship  
39 program, or other similar work-based learning opportunity and  
40 who opts out of receiving the minimum wage. However, such work-  
41 based learning opportunity may not last longer than 9 months or  
42 two full-time semesters consisting of at least 15 credit hours  
43 each.

44 (c) An employee may opt out of receiving the state minimum  
45 wage by voluntarily signing a waiver of his or her right to the  
46 state minimum wage established under this subsection. The waiver  
47 must state that the employee acknowledges his or her right to  
48 the state minimum wage pursuant to s. 24, Art. X of the State  
49 Constitution and this section and that the employee is knowingly  
50 and voluntarily choosing to receive a lesser amount for his or  
51 her work-based learning opportunity as described in paragraph  
52 (b). An employer may not coerce an employee to opt out of  
53 receiving the state minimum wage. If the employee is younger  
54 than 18 years of age, in order for the waiver to be effective,  
55 the employee's parent or guardian must have agreed and signed  
56 the waiver on behalf of the minor employee at the minor  
57 employee's request.

58 (d) Except as provided in paragraphs (b) and (c), an

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59 employer must pay an employee a wage at or above the federal  
60 minimum wage.

61 (e) An employee's waiver to opt out of the state minimum  
62 wage under this subsection is only valid for 9 months after the  
63 date his or her employment with the employer begins. Thereafter,  
64 the employee must be paid at or above the state minimum wage  
65 regardless of his or her position or job title with the  
66 employer.

67 Section 3. This act shall take effect July 1, 2026.