

CS/HB 221

2026

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; defining the term  
"work-based learning opportunity"; 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; requiring an employee to be paid at or  
above the state minimum wage at the expiration of the  
work-based learning opportunity; 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:

26        448.110 State minimum wage; annual wage adjustment;  
27 enforcement.—

28        (3)(a) Employers shall pay employees a minimum wage at an  
29 hourly rate of \$6.15 for all hours worked in Florida. Only those  
30 individuals entitled to receive the federal minimum wage under  
31 the federal Fair Labor Standards Act, as amended, and its  
32 implementing regulations shall be eligible to receive the state  
33 minimum wage pursuant to s. 24, Art. X of the State Constitution  
34 and this section. The provisions of ss. 213 and 214 of the  
35 federal Fair Labor Standards Act, as interpreted by applicable  
36 federal regulations and implemented by the Secretary of Labor,  
37 are incorporated herein.

38        (b)1. An employer is not subject to the state minimum wage  
39 requirements of this section for an employee who is in a  
40 structured work-study, internship, or preapprenticeship program,  
41 or other similar work-based learning opportunity, and such  
42 employee opts out of receiving the minimum wage.

43        a. Such work-based learning opportunity may not last  
44 longer than 252 days or, if the employee is earning credit at a  
45 school, Florida College System institution, or state university,  
46 two semesters, whichever is longer.

47        b. If the employee is under 18 years of age, such work-  
48 based learning opportunity may not last longer than 126 days or,  
49 if the employee is earning credit at a school, Florida College  
50 System institution, or state university, one semester, whichever

51 is longer.

52 2. For purposes of this paragraph, the term "work-based  
53 learning opportunity" means any interaction with industry or  
54 community professionals which occurs in a workplace setting with  
55 the sole purpose of providing the employee with an authentic  
56 structured learning experience and on-the-job training that  
57 fosters in-depth, firsthand engagement with the tasks required  
58 in a given career field in order to become qualified and  
59 proficient in such career field. A work-based learning  
60 opportunity must meet all of the following criteria:

61 a. Be developmentally appropriate.  
62 b. Identify learning objectives for the term of the  
63 experience.  
64 c. Explore multiple aspects of an industry.  
65 d. Develop workplace skills and competencies.  
66 e. Assess employee performance.  
67 f. Be documented and reported in compliance with state and  
68 federal labor laws.

69 (c) An employee may opt out of receiving the state minimum  
70 wage by voluntarily signing a waiver of his or her right to the  
71 state minimum wage established under this subsection. The waiver  
72 must state that the employee acknowledges his or her right to  
73 the state minimum wage pursuant to s. 24, Art. X of the State  
74 Constitution and this section and that the employee is knowingly  
75 and voluntarily choosing to receive a lesser amount for his or

76 her work-based learning opportunity as described in paragraph  
77 (b). An employer may not coerce an employee to opt out of  
78 receiving the state minimum wage. If the employee is younger  
79 than 18 years of age, in order for the waiver to be effective,  
80 the employee's parent or guardian must have agreed and signed  
81 the waiver on behalf of, and in addition to, the minor employee.

82 (d) Except as provided in paragraphs (b) and (c), an  
83 employer must pay an employee a wage at or above the federal  
84 minimum wage.

85 (e) At the expiration of the work-based learning  
86 opportunity, the employee must be paid at or above the state  
87 minimum wage regardless of his or her position or job title with  
88 the employer.

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