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:

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

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

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

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

is longer.

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

a. Be developmentally appropriate.

b. Identify learning objectives for the term of the experience.

c. Explore multiple aspects of an industry.

d. Develop workplace skills and competencies.

e. Assess employee performance.

f. Be documented and reported in compliance with state and federal labor laws.

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

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

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

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

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