



# Florida Supreme Court Strikes Down Miami Beach Minimum Wage

FISHER PHILLIPS ATTORNEYS REPRESENTED BUSINESS INTERESTS IN IMPORTANT MATTER

Insights

2.05.19

The Florida Supreme Court on Tuesday blocked a Miami Beach law that would have raised the minimum wage in the city. This ends a lengthy legal battle over whether cities could set their own minimum wages that do not correspond with what has been set by the Florida Constitution.

Miami Beach passed an ordinance in 2016 that would have raised the minimum wage in the city to \$13.31 by January 1, 2021. The current minimum wage in Florida is \$8.46 per hour.

Represented by attorneys from Fisher Phillips, the Florida Retail Association, the Florida Chamber of Commerce and the Florida Restaurant and Lodging Association fought the ordinance. The business groups argued that state law prevents municipalities from raising their own minimum wage, which could create a confusing mix of minimum wage rates across the state.

Florida's highest court left in place a Third District Court of Appeals ruling that blocked the ordinance from taking effect. Charles Caulkins and Jim Polkinghorn, partners in the firm's Fort Lauderdale office, had secured the earlier victory. That ruling safeguarded businesses from having to pay a different wage rate in Miami Beach and established a precedent that will discourage other Florida municipalities from taking similar action.

The attorneys previously argued to the Circuit Court in Miami-Dade County that state law prevents individual municipalities from venturing out on their own to establish minimum wage rates at odds with the statewide rate. On March 27, 2017 a Circuit Court judge handed employers a victory, striking down the Miami minimum wage ordinance and plainly stating that local jurisdictions have no right to take such actions.

The Florida Supreme Court chose not to overturn the appeals court, keeping the earlier victory in tact.

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