

Which HR Laws Apply to My Business?

Federal and Florida employment requirements by number of employees

One of the most common questions I hear from business owners is some version of "Does that law even apply to us?" The answer usually depends on how many people you employ. Some requirements apply from your very first hire. Others switch on as you grow.

This guide lays out the main federal and Florida requirements by employee count. Requirements are cumulative, so once you reach a new level, everything from the levels below still applies.

1+

employees

Every employer

FEDERAL

- **Fair Labor Standards Act (FLSA):** minimum wage, overtime, child labor, and recordkeeping rules for most employers.
- **Equal Pay Act:** equal pay for equal work regardless of sex.
- **Form I-9:** verify identity and work authorization for every new hire within three business days of the start date.
- **OSHA:** provide a workplace free of recognized hazards and display the required poster.
- **National Labor Relations Act:** employees' right to discuss pay and working conditions, which applies even without a union.
- **USERRA:** job protections for employees who serve in the military.
- **Employee Polygraph Protection Act:** limits on using lie detector tests.
- **Payroll taxes and new hire reporting:** withhold and pay federal payroll taxes and report new hires to the state.

FLORIDA

- **Florida minimum wage:** \$15.00 per hour and \$11.98 for tipped employees, effective September 30, 2026. Future increases are tied to inflation starting January 1, 2028.
- **Workers' compensation for construction:** required with even one employee.
- **Reemployment (unemployment) tax:** generally required once you pay \$1,500 in wages in a calendar quarter or employ someone during 20 weeks of the year.
- **Florida child labor law:** hour and job restrictions for workers under 18.
- **Florida health insurance continuation ("mini-COBRA"):** if you have fewer than 20 employees and an insured group health plan, employees may be able to continue coverage after leaving.

4+

employees

Workers' comp and immigration discrimination

FEDERAL

- **Immigration and Nationality Act anti-discrimination rules:** no discrimination based on citizenship status or national origin in hiring, firing, or the I-9 process.

FLORIDA

- **Workers' compensation (non-construction):** required with four or more employees, including corporate officers who have not elected an exemption. Agricultural employers must carry coverage with six regular or 12 seasonal employees.

10+

employees

Whistleblower protection

FLORIDA

- **Florida Private Sector Whistleblower Act:** employers with 10 or more employees cannot retaliate against employees who object to or report a violation of a law, rule, or regulation.

11+

employees

Injury and illness records

FEDERAL

- **OSHA recordkeeping:** keep OSHA 300, 300A, and 301 injury and illness records unless your industry is on OSHA's partially exempt list. Post the 300A summary from February 1 through April 30 each year.

15+

employees

Anti-discrimination laws

FEDERAL

- **Title VII of the Civil Rights Act:** no discrimination based on race, color, religion, sex, or national origin.
- **Americans with Disabilities Act (ADA):** no disability discrimination, plus reasonable accommodations.
- **Pregnant Workers Fairness Act:** reasonable accommodations for pregnancy, childbirth, and related conditions.
- **Genetic Information Nondiscrimination Act (GINA):** no use of genetic information, including family medical history, in employment decisions.

FLORIDA

- **Florida Civil Rights Act:** state-level protection against discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.

20+

employees

Age discrimination and COBRA

FEDERAL

- **Age Discrimination in Employment Act (ADEA):** no discrimination against employees and applicants age 40 and older.
- **COBRA:** offer continued group health coverage after qualifying events such as termination or reduced hours.

25+

employees

E-Verify

FLORIDA

- **Florida E-Verify requirement:** private employers with 25 or more employees must use E-Verify for every new hire and certify compliance on the first reemployment tax return each year. A 2026 bill to extend this to all private employers did not pass.

50+
employees

Leave and health coverage

FEDERAL

- **Family and Medical Leave Act (FMLA):** up to 12 weeks of job-protected leave for eligible employees. Applies to employers with 50 or more employees for at least 20 weeks in the current or prior year.
- **Affordable Care Act employer mandate:** employers averaging 50 or more full-time employees, including full-time equivalents, must offer affordable, minimum value coverage or risk penalties, and must file Forms 1094-C and 1095-C.

100+
employees

Reporting and layoff notice

FEDERAL

- **EEO-1 report:** file annual workforce demographic data with the EEOC.
- **WARN Act:** give 60 days' notice before a plant closing or mass layoff.

How you count matters. Many of these laws count part-time employees, and some count employees in other states. Each law has its own rules for which workers count and over what time period. If you are close to a threshold, it is worth confirming before you assume a law does not apply.

This guide is for educational and informational purposes only and does not constitute legal advice. Laws change, and how they apply depends on your specific situation. Consult qualified legal counsel for advice about your business.

Ready to see where your business stands?

Book a free 30-minute discovery call at calendly.com/robynsecor. No obligation, just an honest conversation about what your business actually needs.

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Sources

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