

From: [Futch, Mary Clare](#)
To: [Collins, Jay](#); [Suarez, Amanda](#); [Spurlock, Braden](#); [Miller, Monique](#)
Cc: [Garbelman, Meredith](#); [Pardo, Daniel](#); [DuShane, Hannah](#); [Garbelman, Meredith](#); [Cuderman, Peter](#)
Subject: RE: Employment of Minors Briefing
Date: Thursday, February 27, 2025 8:25:47 AM
Attachments: [Employment of Minors Background.docx](#)
[Employment of Minors Section by Section.docx](#)
[Employment of Minors 2025 Language in Bill Format 11 22 24 12 PM.docx](#)

Good morning,

For easy reference, please see the attached background document, section-by-section, and the Employment of Minors bill language. We look forward to meeting with you all today!

Thank you!
Mary Clare

-----Original Appointment-----

From: Futch, Mary Clare
Sent: Tuesday, February 25, 2025 6:39 PM
To: Futch, Mary Clare; Collins, Jay; Suarez, Amanda; 'braden.spurlock@flhouse.gov'; Miller, Monique; Pardo, Daniel; hannah.dushane@laspbs.state.fl.us; Lapp, Meredith; Cuderman, Peter
Cc: Garbelman, Meredith
Subject: Employment of Minors Briefing
When: Thursday, February 27, 2025 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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Employment of Minors

Overview

Build upon HB 49 passed in the 2024 Legislative Session to expand working hours for minors aged 16 and 17 and certain minors aged 14 and 15.

Proposal

This proposal removes the current statutory restrictions on employment for 16- and 17-year-olds. Specifically, it removes the prohibition limiting work hours to the hours between 6:30 a.m. and 11 p.m. when school is in session and for more than 8 hours a day when school is in session and does not require 16- and 17-year-olds to take breaks at specified intervals. It also removes the cap of 30 hours a week of employment and prohibition of holding employment during school hours. Current restrictions in Florida statutes make holding employment harder than required by federal law for this age group. Removing the restrictions make it no harder than required by federal law to hold employment.

This proposal also removes statutory restrictions in section 450.081 on employment for 14- and 15-year-olds if they have graduated from high school or have received a certification of exemption permitting them to hold employment. This class of 14- and 15-year-olds would be exempted from the same restrictions as the 16- and 17-year-olds. Current statutory restrictions remain for 14- and 15-year-olds. The only difference now between Florida and federal law is that these minors are limited to working 15 hours a week, instead of 18 hours under federal law, may only work six consecutive days in a week, where federal law has no prohibition, and breaks are required, where they are not under federal law.

Background

HB 49 passed the Florida Legislature on March 8, 2024. It made moderate changes to Florida law regarding hours worked by minors aged 16 and 17 years of age. While these changes will aid in making it easier for minors of this age group to obtain employment, HB 49 did not go far enough to relieve the burdens of employment for this group.

HB 49 made the following changes to hours and timeframes relating to the employment of minors:

- Clarified that minors 15 years old or younger may not work more than 15 hours in any one week, when school is in session.
- Provided that minors 16 and 17 years old:
 - May only work between 6:30 a.m. and 11 p.m., when school is scheduled the following day.
 - May not work for more than 8 hours in any one day when school is scheduled the following day, except when the day of work is on a holiday or Sunday.
 - May work for more than 30 hours per week when the minor's parent or custodian, or the school superintendent or his or her designee, waives the

limitation on a form prescribed by DBPR and provided to the minor's employer.

- Provided that minors 15 years of age or younger, instead of 17 years of age or younger, may not work more than:
 - 6 consecutive days in any one week.
 - 4 hours continuously without an interval of at least 30 minutes for a meal period.
- Provided that minors 16 and 17 years of age who work for 8 hours or more in any one day may not work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period.
- Provided that the work restrictions do not apply to:
 - Minors enrolled in an educational institution who qualify on a hardship basis.
 - Minors 16 and 17 years old who are in a home education program or are enrolled in an approved virtual instruction program in which the minor is separated from the teacher by time only.
 - Minors in domestic service in private homes or employed by their parents.
- Clarified that the DBPR is authorized to grant a waiver of these restrictions.
- Clarified that an employer who requires, schedules, or otherwise causes a minor to be employed, permitted, or suffered to work in violation of these provisions commits a violation of the law, punishable as provided in s. 450.141, F.S.

Federal Law

The federal child labor provisions of the Fair Labor Standards Act of 1938 (FLSA) were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. These provisions also provide limited exemptions.

Child Labor Bulletin 101, issued by the U.S. Department of Labor (USDOL), states that minors aged 14 and 15 years old may not be employed:

1. During school hours except as provided in Work Experience and Career Exploration Programs and Work Study Programs.
2. Before 7 a.m. or after 7 p.m. except June 1 through Labor Day when the evening hour is extended to 9 p.m.
3. More than three hours a day on a school day, including Fridays.
4. More than eight hours on a non-school day.
5. More than 18 hours in a week during a school week.
6. More than 40 hours during a week in a non-school week.

Exceptions are provided for a minor aged 14 or 15 of age who:

1. Has graduated from high school;
2. Has been excused from compulsory school attendance by the state once he or she has completed the Eighth grade and his/her employment compliance with all requirements of the state school attendance law;
3. Has a child to support and appropriate officers, pursuant to state law, have waived school attendance requirements for the minor;

4. Is subject to an order of a state or federal court prohibiting him/her from attending school; or
5. Has been permanently expelled from the local public school he/she would normally attend.

Federal law also prohibits employment for this age group in certain jobs such as any manufacturing operation, mining, meat processing, and many other occupations deemed hazardous to minors safety.

The FLSA does not have limitations in place for daily or weekly working hours for minors 16 and 17 years of age; however, the USDOL found and declared that the following non-agricultural occupations are hazardous for young workers under 18 years of age. No youth under 18 may be employed at any time in these occupations, unless specifically exempt. Those marked with an (*) may be exempt if the minor is in an apprenticeship.

1. Manufacturing and storing of explosives.
2. Driving a motor vehicle and being an outside helper on a motor vehicle.
3. Coal mining.
4. Forest fire fighting and fire prevention, timber tract management, forestry services, logging, and saw mill occupations.
5. Power-driven woodworking machines.*
6. Exposure to radioactive substances.
7. Power-driven hoisting apparatus.
8. Power-driven metal-forming, punching, and shearing machines.*
9. Mining, other than coal mining.
10. Meat and poultry packing or processing (including the use of power-driven meat slicing machines).
11. Power-driven bakery machines.
12. Balers, compactors, and paper-products machines.*
13. Manufacturing brick, tile, and related products.
14. Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.*
15. Wrecking, demolition, and shipbreaking operations.
16. Roofing operations and all work on or about a roof.*
17. Excavation operations.*

Section	Lines	Description
1	6-79	<p>Employment of Minors:</p> <ul style="list-style-type: none"> Removes certain restrictions on employment for minors aged 16 and 17 to bring Florida in line with federal law. Removes restriction on the times of day and the number of hours minors aged 16 and 17 are allowed to work. Removes the requirement that minors age 16 and 17 must be given a 30-minute break after 4 hours of continuous work. Removes references to minors aged 16 and 17 in exemptions allowed under current law and replaces with minors aged 14 and 15. Clarifies that minors enrolled in a <u>public</u> educational facility may seek a waiver of employment restrictions from the school superintendent. Strikes the ability of the Department of Business and Professional Regulation to grant a waiver of the restrictions imposed by the Child Labor Law. This ability is already explicitly given to the Department by s. 450.095, <i>Florida Statutes</i>. <p>Talking Points:</p> <ul style="list-style-type: none"> Even with changes made last session, Florida law is still more restrictive than Federal Law in its restrictions placed on employment of minors aged 16 and 17. This bill will align Florida law with Federal Law. This will provide minors with more flexibility in working and allows families to decide what is in the best interest of their child. Additionally, working allows children to learn valuable soft skills that will help them be successful not only in school, but in the workplace.
2	80	<p>Effective Date:</p> <ul style="list-style-type: none"> Provides an effective date of July 1, 2025.

1 A bill to be entitled

2 An act relating to ; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 450.081, Florida Statutes, is amended
7 to read:

8 450.081 Hours of work in certain occupations.—

9 (1)(a) Minors 15 years of age or younger may not be
10 employed, permitted, or suffered to work:

11 1. Before 7 a.m. or after 7 p.m. when school is scheduled
12 the following day.

13 2. For more than 15 hours in any one week when school is
14 in session.

15 (b) On any school day, minors 15 years of age or younger
16 who are not enrolled in a career education program may not be
17 gainfully employed for more than 3 hours, unless there is no
18 session of school the following day.

19 (c) During holidays and summer vacations, minors 15 years
20 of age or younger may not be employed, permitted, or suffered to
21 work before 7 a.m. or after 9 p.m., for more than 8 hours in any
22 one day, or for more than 40 hours in any one week.

23 ~~(2)(a) Minors 16 and 17 years of age may not be employed,~~
24 ~~permitted, or suffered to work:~~

25 ~~1. Before 6:30 a.m. or after 11 p.m. when school is~~
26 ~~scheduled the following day.~~

27 ~~2. For more than 8 hours in any one day when school is~~
28 ~~scheduled the following day, except when the day of work is on a~~

29 ~~holiday or Sunday.~~

30 ~~3. For more than 30 hours in any one week when school is~~
31 ~~in session. However, a minor's parent or custodian, or the~~
32 ~~school superintendent or his or her designee, may waive the~~
33 ~~limitation imposed in this subparagraph on a form prescribed by~~
34 ~~the department and provided to the minor's employer.~~

35 ~~(b) On any school day, minors 16 and 17 years of age who~~
36 ~~are not enrolled in a career education program may not be~~
37 ~~gainfully employed during school hours.~~

38 ~~(2)(3)~~ Minors 15 years of age or younger may not be
39 employed, permitted, or suffered to work in any gainful
40 occupation for more than 6 consecutive days in any one week.

41 ~~(3)(4)~~ Minors 15 years of age or younger may not be
42 employed, permitted, or suffered to work for more than 4 hours
43 continuously without an interval of at least 30 minutes for a
44 meal period; and for the purposes of this law, a no period of
45 less than 30 minutes is not deemed to interrupt a continuous
46 period of work. ~~Minors 16 and 17 years of age who are employed,~~
47 ~~permitted, or suffered to work for 8 hours or more in any one~~
48 ~~day as authorized by this section may not be employed,~~
49 ~~permitted, or suffered to work for more than 4 hours~~
50 ~~continuously without an interval of at least 30 minutes for a~~
51 ~~meal period.~~

52 ~~(4)(5)~~ Subsections (1)-~~(3)(4)~~ do not apply to:

53 (a) Minors 14~~16~~ and 15~~17~~ years of age who have graduated
54 from high school or received a high school equivalency diploma.

55 (b) Minors 14 and 15 who are within the compulsory school
56 attendance age limit and who hold a valid certificate of

57 exemption issued by the school superintendent or his or her
58 designee pursuant to s. 1003.21(3).

59 (c) Minors enrolled in a public ~~an~~ educational institution
60 who qualify on a hardship basis, such as economic necessity or
61 family emergency. The school superintendent or his or her
62 designee shall make such determination and issue a waiver of
63 hours to the minor and the employer. The form and contents
64 thereof shall be prescribed by the department.

65 (d) Minors 14~~16~~ and 15~~17~~ years of age who are in a home
66 education program or are enrolled in an approved virtual
67 instruction program in which the minor is separated from the
68 teacher by time only.

69 (e) Minors in domestic service in private homes, minors
70 employed by their parents, or pages in the Florida Legislature.

71 ~~(6) The department may grant a waiver of the restrictions~~
72 ~~imposed by this section pursuant to s. 450.095.~~

73 (6)~~(7)~~ The presence of a minor in any place of employment
74 during working hours is prima facie evidence of his or her
75 employment therein.

76 (7)~~(8)~~ An employer who requires, schedules, or otherwise
77 causes a minor to be employed, permitted, or suffered to work in
78 violation of this section commits a violation of the law,
79 punishable as provided in s. 450.141.

80 Section 2. This act shall take effect July 1, 2025.