

CHILD LABOR LAW FREQUENTLY ASKED QUESTIONS BY EDUCATORS

(The answers are applications of the stricter of both federal and state law).

GENERAL	The answers are applications of the stricter of both federal and state law.
Do minors need a work permit or working papers to work?	No, employers are required by Florida law to have proof of age. <i>See Waivers below.</i>
At what age can a minor work?	A minor must be 14 years old to work. <i>(Exemptions are children that work in their parent's business (non-hazardous job), or in newspaper delivery (10 years old), pages in the Florida Legislature, and minors approved to work in the entertainment industry.)</i>
If a minor has a child but is not married, is this minor exempt from the child labor law?	No.
If a minor under the age of 18 is married, is that minor exempt from child labor law?	Yes, all hourly restrictions, (including breaks), are removed for married minors; however, the law relating to hazardous occupations still applies until they become 18. The employer will need to keep a copy of the marriage license on file.
Can a high school graduate under the age of 18 work during hours that public school is in session or over 30 hours a week?	Yes, all hourly restrictions, (including breaks), are removed for high school graduates, however, the law relating to hazardous occupations still apply until they become 18. The employer will need to keep a copy of the diploma on file.
Is parental approval required prior to minors working?	No.
A senior in my classroom just turned 18, is he covered under the Child Labor law?	No. Minors who have obtained the age of 18 are no longer covered under the law.
Where can I find more information about the Child Labor law?	Child Labor: 800.226.2536 (in Florida) and 850.488.3131. The web address: <u>MyFlorida.com/dbpr/reg/childlabor</u>
Do you have a list of employment related posters that employers are required to post?	You can download a list of required posters from the internet at: <u>http://www.floridajobs.org/PDG/posters.html</u>
How do I file a complaint if I think an employer has violated Child Labor law?"	Call the Bureau of Child Labor at 800.226.2536 (in Florida) and 850.488.3131
HOURS	The answers are applications of the stricter of both federal and state law.
How many hours can a 14 or 15-year-old work?	When public school <u>is</u> in session, minors may work up to 15 hours each week (seven-day period). This includes a maximum of 3 hours per day on school days and up to 8 hours per day on Saturday and 8 hours on Sunday and 8 hours on non-school days, when a school day does not follow. They may work between the hours of 7 a.m. and 7 p.m. but may not work during public school hours. When school <u>is not</u> in session, June 1 st through Labor Day, 14 and 15 year old minors may work up to 8 hours each day and 40 hours per week between the hours of 7 a.m. and 9 p.m.

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<p>What hours can a minor 16 or 17 years work?</p>	<p>When public school is in session, minors 16 & 17 may not work before 6:30 a.m. or after 11 p.m. or for more than 8 hours per day, when school is scheduled the following day, nor during the hours that school is in session. These hour limitations do not apply on non-school days when a school day does not follow, during non-school weeks, and during summer vacation.</p> <p>When school does not follow the next day, such as Friday, Saturday, and other days that precede a holiday, minors 16 and 17 may work until their shift is completed. Example: A minor begins work on Saturday at 6:00 p.m. and the shift ends at 1:00 a.m. Sunday morning. This is not considered a violation of the regulation that minors may not work before 6:30 a.m. when school is scheduled the following day, because the minor is completing his Saturday shift, and not beginning a work shift before 6:30 a.m. on Sunday.</p> <p>These teens may work no more than 30 hours per week when school is in session. However, during the summer vacation and non-school weeks they may work unlimited hours.</p>
<p>During summer vacation, can a minor work 14 days in a row as a lifeguard?</p>	<p>Minors can work no more than 6 consecutive days and then they must have a day off.</p>
WAIVERS	
<p>I understand that we don't have work permits in Florida, but what are waivers of the law? What is the school's responsibility?</p>	<p>Work permits are not required and have not been issued in Florida for many years. Minors are required to provide employers with proof of age. However, when minors want to work beyond the limits of the Florida law, they are required to provide employers with a waiver of the law. When minors are enrolled in the public high school system (K-12), either the minor's public school superintendent or his/her designee has responsibility for issuing partial waivers. Schools have the authority to waive Florida Child Labor Laws only when it is in the best interest of the minor, but do not have authority to waive Federal law. Remember too, that employers are required to provide "Waivers" of the law to child labor enforcement staff during routine investigations to justify the minor working outside the normal work hour limitations. The waiver itself may take several suggested formats:</p> <ul style="list-style-type: none"> A. The District "Work-site Agreement" is the most popular. It should outline the hours the minor will be at the work site, total hours of work, and other work stipulations. It should be specific enough to clearly define the Child Labor Laws that are being waived, i.e. working during normal school hours (minor works from 1:00 p.m. until 5:00 p.m.), more than 30 hours per week (minor approved to work up to 40 hour work weeks) , working past 11 p.m. (minor may work until 11:30 p.m.) etc. B. A letter from a school official on school letterhead that clearly defines those Florida Child Labor Laws that are being waived. C. Districts may create their own standardized form (Waiver Application) using established criteria as outlined in the Rule 61L-2.007 (3): School Status; Financial Hardship; Medical Hardship; Other Hardship; Court Order.

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	For more information on waivers and work-site agreements visit: http://www.firn.edu/dae/programs/doc/coopm.doc
I am a middle school teacher and a 15-year-old student wants a waiver to work more hours. What is this about?	Employers are required to maintain documented approval (waiver's of the law) when they hire any minor outside the limits of the Child Labor law. Waivers may be written from the school when the minor is in the K-12 public school program or through the DBPR for those minors who have left the K-12 public school arena. Minors 14 & 15 are limited under Florida law to work 15-hour work weeks. Federal law permits this age group to work up to 18 hours per week. School superintendents, or their designees have the authority to waive the Florida law when it is in the best interest of the minor. Schools can authorize waivers of Florida law through a work-site agreement, district waiver form, or a letter from the school, to allow a maximum of 18 hours per workweek. No one has the authority to allow them to work beyond federal limits.
I understand that when we have students enrolled in an OJT or Work Experience program, that the work-site agreement serves as a waiver of the law and permits those minors to work during normal school hours, etc. However, what about those students who might be finishing out the school year, have only a few classes in the a.m., and want to begin work at noon and work a full 40-hour work week?	For those students who are not in a work-based learning program, we suggest that the district either develops a form for all schools or the high school prepare a letter for the student on school letterhead. The form or letter should clearly define the Florida laws that are being waived, i.e. minor works from 12 noon until 8 p.m.; minor approved to work 40 hours per week.
I operate an Option 2 program. My 16 & 17 year olds need to work more than 30 hours per week limitation.	Again, you have the authority to waive Florida law when in the best interest of the minor. Your work-site agreement needs to define those Florida laws that are being waived and serves as a waiver of the law.
HAZARDOUS OCCUPATIONS	The answers are applications of the stricter of both federal and state law.
What kind of work can a minor do or not do?	<i>A minor can work in any occupation that has not been declared hazardous by state or federal law. Contact the Bureau of Child Labor at 1.800.226.2536 or 850.488.3131 for additional information, or review the website materials at MyFlorida.com/dbpr/reg/childlabor.</i>
Can a minor be a delivery driver?	<i>No. No one under 18 can operate a motor vehicle as a regular part of their job. For information relating to 17 year olds driving on an occasional and incidental basis, contact the Bureau of Child Labor at 1.800.226.2536 or 850.488.3131 or review the website materials at MyFlorida.com/dbpr/reg/childlabor.</i>
At what age can a minor work on a construction site?	<i>The minor must be 16 or 17 years old. Operating power tools or heavy equipment, being on a ladder or scaffolding over 6 feet and in excavations more than 4 feet is prohibited. Review the website materials at: MyFlorida.com/dbpr/reg/childlabor.</i>

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If the parents or guardians are the sole owners of a business do the hazard restrictions apply to their children?	Yes.
If a minor is employed in a pool cleaning service, what steps should the employer take in regard to the usage of chemicals?	Ensure that the minor does not work with toxic chemicals. Note: Toxic chemicals are identified by law on the labeling.
At what age can a minor work in a lawn care business using lawn mowers, weed eaters and edgers?	At the age of 16 minors can use mowers under 20 PTO including riding mowers, trimmers such as string weed eaters. They cannot use edgers with blades or power operated hedge trimmers. Safety features on such equipment must be intact.
ALCOHOLIC BEVERAGES	
Can a minor work in a convenience store or other retail establishment that sells alcoholic beverages.	Minors can work in convenience stores and other retail stores that sell alcohol as long as the alcohol is not sold for consumption on the premises.
Can a minor work in a restaurant that serves alcoholic beverages or in a bar?	<i>Contact the Bureau of Child Labor at 1.800.226.2536 or 850.488.3131 or Division of Alcoholic Beverages and Tobacco at 850.488.3227 for information.</i>
ENTERTAINMENT INDUSTRY	
What does a parent need to do so a minor can work as a model, actor or a performer in the entertainment industry.	The employer, not the parent, applies to the Bureau of Child Labor for a Permit to Hire Minors in the Entertainment Industry. <i>For additional information the employer should contact the Bureau of Child Labor at 1.800.226.2536 or 850.488.3131.</i>
Does a minor need some sort of certification or permit to work in the entertainment industry?	No, the employer is responsible for securing a Permit to Hire for Minors in the Entertainment Industry and having proof of age on file for each minor.