FLORIDA

HR Law Reference Guide



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WAGE AND HOUR LAWS

MINIMUM WAGE

Florida's current minimum wage is **$14.00**. FL Minimum Wage

Florida minimum wage laws are based on Florida's constitution. FL Constitution, Art. X, Sec. 24; FL Statute 448.110.

Minimum wage rates until 2026

Every year, on September 30, the minimum wage will increase by $1.00 per hour until, by September 30, 2026, the minimum wage will be $15.00 per hour.

Minimum wage in 2027 and after

Each year beginning in 2027, the Florida Agency for Workforce Innovation is responsible for issuing the next minimum wage by September 30 with the next minimum wage increase taking effect on January 1 of the following year. The Agency for Workforce Innovation will calculate the next minimum wage based on the rate of inflation during the twelve months prior to each September 1 using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. FL Constitution, Art. X, Sec. 24; FL Statute 448.110.

Florida and the federal minimum wage

Florida employers must also comply with federal minimum wage laws, which currently sets the federal minimum wage at $7.25. See FLSA: Minimum Wage.

If an employer chooses to pay employees minimum wage, the employer must pay those employees in accordance with the minimum wage law, either federal or state, that results in the employees being paid the higher wage. In most instances in Florida, Florida minimum wage laws will apply as it generally guarantees a higher wage rate for employees than federal law.

OVERTIME

Florida labor laws do not include rules governing the payment of overtime. Instead, federal overtime laws apply. In general, these laws provide the following for *covered workers.*

First, the employer must provide compensation in the form of extra pay for any time worked *after* the first 40 hours in any given workweek. This compensation, called overtime, must be made at a specified rate. This rate is equal to or greater than time and one-half their regular pay rate. So, an employee who earns $10 per hour for the first 40 hours in a workweek would get at least $15 per hour for time worked after the 40th hour.

Second, all provisions in federal overtime laws are based on the following definition of a workweek: a regular cycle comprising 168 hours or seven straight 24-hour periods. It does not have to match the calendar week. Instead, it may begin on any day and at any time. An employer can create different workweeks for different employees or groups of employees.

Exempt workers do not receive overtime. Under the FLSA, exempt workers are executives, or those who hold administrative or other professional positions. Additional criteria apply.

See FLSA: Overtime for more information regarding overtime requirements.

TIPPED MINIMUM WAGE

Florida's current minimum wage for tipped employees is **$10.98**. FL Minimum Wage.

Under Florida minimum wage laws, if employers choose to pay the tipped minimum wage, they must ensure that tipped employees are paid the regular minimum wage rate of $12.00 when the tipped wage rate is combined with tips received. FL Constitution, Art. X, Sec. 24(c) Florida has adopted the eligibility criteria from the federal Fair Labor Standards Act to determine which employees qualify to be paid the minimum tipped wage rate. FL Constitution, Art. X, Sec. 24(c)

TIP POOLING AND SHARING

Florida minimum wage laws do not prohibit either mandatory or voluntary tip or gratuity pooling. Thus, employers would be permitted to require or allow tipped employees to participate in tip pooling arrangements.

PREVAILING WAGES

Florida does not have a prevailing wage law that governs wage rates on government projects or service contracts.

Under certain circumstances, employers in Florida may be required to pay residents wage rates established by federal prevailing wage rates and rules. The prevailing wage rates may be different from the federal and state's standard minimum wage rates.

Employees may be eligible for prevailing wages if they work on government or government-funded construction projects or perform certain government services. See the Davis-Bacon and Related Acts, McNamara-O'Hara Service Contract Act (SCA), and Walsh-Healey Public Contracts Act (PCA) for more information about prevailing wages.

SUBMINIMUM WAGES

Employees with Disabilities

Florida has adopted the rules and requirements for paying employees with disabilities as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Trainees

Florida has adopted the rules and requirements for paying trainees as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Apprentices

Florida has adopted the rules and requirements for paying apprentices as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Learners

Florida has adopted the rules and requirements for paying learners as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Student Learners

Florida has adopted the rules and requirements for paying student learners as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Student Workers

Florida has adopted the rules and requirements for paying student workers as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

HOURS WORKED

Florida relies on the regulations issued pursuant to the Fair Labor Standards Act (FLSA) to define hours worked for purposes of it minimum wage requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Workweek

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding what constitutes a workweek for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Meals and Breaks

Florida labor laws require employers to grant a meal period of at least 30 minutes to employees under the age of 18 who work for more than 4 hours continuously. FL Statute 450.081(4).

Florida does not have any laws requiring an employer to provide a meal period or breaks to employees 18 years of age or older, thus the federal rule applies. The federal rule does not require an employer to provide either a meal (lunch) period or breaks. However, if an employer chooses to do so, breaks, usually of the type lasting less than 20 minutes, must be paid. Meal or lunch periods (usually 30 minutes or more) do not need to be paid, so long as the employee is free to do as they wish during the meal or lunch period. DOL: Breaks and Meal Periods.

Nursing Mother Breaks

Florida labor laws do not require employers to provide nursing mothers with breaks to express breast milk. However, the federal Fair Labor Standards Act requires certain employees to provide nonexempt nursing mothers for one (1) year following a child's birth with reasonable rest breaks to express milk and private spaces, other than a bathroom, to express breast milk.

Waiting Time

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding when employers must count employee waiting time as hours worked for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

On-call Time

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding when employers must count employee on-call time as hours worked for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Sleeping Time

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding when employers must count employee sleeping time as hours worked for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Travel Time

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding when employers must count employee travel time as hours worked for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Meeting, Lecture, and Training Time

Florida has adopted the regulations set forth pursuant to the federal Fair Labor Standards Act regarding when employers must count employee time spent at meetings, lectures, and training as hours worked for purposes of minimum wage and overtime requirements. FL Constitution, Art. X, Sec. 24(b); FL Statute 448.110(3).

Show Up and Reporting Time

Florida law does not require employers to pay employees for reporting or showing up to work if no work is performed. An employer is also not required to pay an employee a minimum number of hours if the employer dismisses the employee from work prior to completing their scheduled shift. Employers are only required to pay employees for hours actually worked.

MINIMUM WAGE AND OVERTIME EXEMPTIONS

Executive Exemption

Florida exempts executive employees from its minimum wage requirements. It has adopted the regulations regarding the exemption for executive employees as set forth pursuant to the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Administrative Exemption

Florida exempts administrative employees from its minimum wage requirements. It has adopted the regulations regarding the exemption for administrative employees as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Professional Exemption

Florida exempts professional employees from its minimum wage requirements. It has adopted the regulations regarding the exemption for professional employees as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Outside Salesman Exemption

Florida exempts outside salesmen from its minimum wage requirements. It has adopted the regulations regarding the exemption for outside sales employees as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Computer Employee Exemption

Florida exempts computer systems analysts, computer programmers, software engineers, and other similarly skilled workers from its minimum wage requirements. It has adopted the regulations regarding the exemption for computer systems analyst, computer programmer, software engineer, or other similarly skilled workers as set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

Other Minimum Wage and Overtime Exemptions

Florida law has adopted all exemption from minimum wage requirements set for in the Fair Labor Standards Act and its regulations. FL Statute 448.110(3).

LEAVE LAWS

BEREAVEMENT LEAVE

Florida law does not require employers to provide employees bereavement leave or leave to attend funerals. Bereavement leave is leave that is taken by an employee due to the death of another individual, usually a close relative. Employers may choose to provide bereavement leave and may be required to comply with any bereavement policy or practice they maintain.

HOLIDAY LEAVE

The State of Florida has designated several days each calendar year as state holidays. The implications of these state holidays on public employers and private employers is discussed below.

State Legal Holidays

The following list contains the state holidays recognized by Florida.

- Sunday
- New Year's Day (January 1)
- Martin Luther King, Jr. Birthday (January 15)
- Robert E. Lee's Birthday (January 19)
- Lincoln's Birthday (February 12)
- Susan B. Antony's Birthday (February 15)
- Washington's Birthday (3rd Monday in February)
- Good Friday (usually falls in March or April)
- Pascua Florida Day (April 2)
- Confederate Memorial Day (April 26)
- Memorial Day (last Monday in May)
- Jefferson Davis's Birthday (June 3)
- Flag Day (June 14)
- Independence Day (July 4)
- Labor Day (1st Monday in September)

- Columbus Day (2nd Monday in October)
- Farmers' Day (2nd Monday in October)
- Veterans Day (November 11)
- General Election Day
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)
- Shrove Tuesday ("Mardi Gras" – in countries where carnival associations are organized for celebrating the holiday)

If a legal holiday falls on a Sunday (other than Sundays), it is observed on the following Monday. FL Statute 683.01

Click here for a list of federal holidays.

Private Employers

Private employers in Florida are not required to close on any of the listed holidays. Additionally, private employers are not required to allow employees to take either paid or unpaid time off on the holidays nor are they required to pay employees any premium wage rates to employees who work on the holidays. Private employers may establish policies or practices granting employees time off on any of the listed holiday or agree to pay premium wage rates to employees who work on those days. Employers who establish such policies or practices may be required to comply with them.

Public Employers

Public employers must observe the following state holidays and must grant employees paid leave:

- New Year's Day (January 1)
- Martin Luther King, Jr. Birthday (January 15)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (4th Thursday in November)

- Friday after Thanksgiving
- Christmas Day (December 25)

If a paid holiday falls on a Saturday, it is observed on the prior Friday. If a paid holiday falls on a Sunday, it is observed on the following Monday.

Full-time employees are also entitled to one personal holiday each year which is credited on July 1 and must be taken prior to June 30 of the following year. Part-time employees are also entitled to a personal holiday each year which is calculated proportionately to the personal holiday of a full-time employee. The personal holiday is not available to teachers or research faculty who work in the State University System and administrative and professional positions exempt under Florida Statute 110.205. FL Statute 110.117

JURY DUTY LEAVE

An employer may not discharge, penalize, threaten, or otherwise coerce an employee because the employee receives or responds to a summons or serves as a juror. FL Statute 40.271. An employer is not required, however, to pay an employee for responding to a jury summons or for serving on a jury. FL Statute 40.24

SICK LEAVE

In Florida, employers are not required to provide employees with sick leave, either paid or unpaid. If an employer chooses to provide sick leave benefits, it must comply with the terms of its established policy or employment contract.

An employer in Florida may be required to provide an employee unpaid sick leave in accordance with the Family and Medical Leave Act or other federal laws.

VACATION LEAVE

Florida has no laws requiring employers to provide employees with vacation benefits, either paid or unpaid. Florida's Legislature and its courts are silent regarding any obligation an employer may have regarding vacation leave, including whether an employer must pay an employee accrued vacation leave upon separation from employment. Due to the silence of Florida authorities on the matter of vacation leave, it is likely employers are free to establish the vacation leave policy of their choosing. An employer would be required to comply with the terms of a valid employment contract containing vacation leave provisions.

VOTING LEAVE

Florida law does not require an employer to allow employees time off, paid or unpaid, to vote.

Florida law prohibits an employer from firing or threatening to fire any employee for voting or not voting in an election, for a particular candidate, or for a specific ballot measure. An employer that violates this law may be guilty of a third-degree felony. FL Statute 104.081

WAGE PAYMENT LAWS

FREQUENCY OF WAGE PAYMENTS

Florida does not have any laws dictating when or how frequently an employer must pay employees their wages.

MANNER OF WAGE PAYMENTS

An employer may pay employees by:

- cash,
- check, order, draft, note, memorandum, or other acknowledgment of indebtedness that:
  - is redeemable at face value on demand without deduction or fee at some established place of business in Florida
  - shows the name and address of the business in Florida when the value may be redeemed
- payroll debit card
  - the wage amounts available in the payroll debit card account is redeemable at face value on demand without deduction or fee at some established place of business in Florida
  - the payroll debit card shows the name and address of the business in Florida when the value may be redeemed
- direct deposit into an account at a financial institution of the employee's choosing, so long as the employee has consented in writing
- coupons, punch-outs, tickets or other devices in lieu of cash if the legal holder is:
  - liable for the full face value in current United States money on or after the 30th day succeeding the day of issuance
  - liable for payment in current money of the United States
  - subject to suit brought in any court of competent jurisdiction to recovery of any deficiency in the payment.

FL Statute 532

DIRECT DEPOSIT

An employer may pay wages to an employee by direct deposit, so long as the employee has consented to direct deposit in writing and the employee is allowed to select the financial institution with which the payment is deposited. An employer may not discharge, refuse employment to, or take any other adverse employment action against an employee who chooses not to have his or her wages paid by direct deposit. FL Statute 532

PAYROLL CARD

Florida labor laws allow an employer to pay an employee their wages by payroll card if:

- the wage amounts available in the payroll debit card account is redeemable at face value on demand without deduction or fee at some established place of business in Florida
- the payroll debit card shows the name and address of the business in Florida when the value may be redeemed

FL Statute 532

PAYMENT UPON SEPARATION FROM EMPLOYMENT

Florida does not have any laws dictating when an employer must pay wages to employees who:

- have been fired or discharged;
- voluntary quit or resign;
- have left work due to a labor dispute or strike; or
- are laid off

WAGES IN DISPUTE

Florida does not have any laws requiring an employer to pay an employee wages conceded to be due when involved in a wage dispute with the employee.

DEDUCTIONS FROM WAGES

Florida does not have any laws regarding what deductions may or may not be taken from an employees paycheck or whether an employee must provide written consent prior to any deduction. The lack of a law prohibiting deductions likely means an employer can withhold or deduct wages from an employees pay check for:

- cash shortages
- breakage, damage, or loss of the employer's property
- dishonored or returned checks
- required uniforms
- required tools
- other items necessary for employment

In accordance with federal law, an employer may not make deductions for any of the above-listed items if it would cause the employee to earn less than federal minimum wage for the period in which the deduction was made. DOL Fact Sheet #16.

UNIFORMS, TOOLS, AND OTHER EQUIPMENT NECESSARY FOR EMPLOYMENT

Florida does not have any laws prohibiting an employer from requiring an employee to purchase a uniform, tools, or other items necessary for employment, except for employers operating a labor pool. Labor pool employers may not charge day laborers for any safety equipment, clothing, accessories, or any other required items. FL Statute 448.24

PRE-HIRE MEDICAL, PHYSICAL, OR DRUG TESTS

Florida does not have any laws prohibiting an employer from requiring an applicant or employee to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment.

NOTICE OF WAGE REDUCTION

Florida does not have any laws addressing when or how an employer may reduce an employee's wages or whether an employer must provide employees notice prior to instituting a wage reduction. However, a wage reduction can only be applied to hours worked after the change and cannot be applied to hours already worked.

STATEMENT OF WAGES (PAY STUB)

Florida does not have any laws requiring employers to provide employees at the time of payment any notice of wages paid, wage rates, deductions, or other wage payment information, except for employers operating labor pools. Labor pool employers must provide day laborers a written itemized statement showing in detail each deduction made from the wages. FL Statute 448.24

RECORDKEEPING REQUIREMENTS

Florida does not have any laws requiring an employer to keep any employment-related documents.

Federal law requires every employer covered by the Fair Labor Standards Act (FLSA) to keep certain records for each covered, nonexempt worker, for at least three (3) years. For more information, visit FLSA.

NOTICE REQUIREMENTS

Florida does not have any laws requiring employers to provide employees, whether at hire or at any other time, of notice of wage rates, dates of pay, employment policies, fringe benefits, or other terms and conditions of employment.

SEVERANCE PAY

Florida labor laws do not require employers to provide employees with severance pay. If an employer chooses to provide severance benefits, it must comply with the terms of its established policy or employment contract.

CHILD LABOR LAWS

WHAT IS THE DEFINITION OF A CHILD OR MINOR UNDER FLORIDA CHILD LABOR LAWS?

Florida child labor laws define a child or minor as any person who is 17 years old or younger unless one of the following applies:

- the individual is or has been married;
- a court of competent jurisdiction has declared that the individual be treated as an adult;
- the individual is serving or has served in the United States Armed Forces;
- a count has determined that it is in the best interest of the individual to work as an adult and the court has approved the individual's job, including the terms and conditions of the job; or
- the individual has graduated from high school or holds a high school equivalency diploma.

FL Statute 450.012(3)

DOES FLORIDA REQUIRE A CHILD TO PROVIDE PROOF OF THEIR IDENTITY AND AGE TO GET A JOB?

Employers who employ individuals 17 years or younger, including those that are exempt from the definition of child or minor in Florida child labor laws as described above, must obtain and keep on record proof of the child's age for the entire period the minor is employed. Employers may meet this required by obtaining and retaining:

- a photocopy of the minor's birth certificate;
- a photocopy of the minor's driver license;
- an age certificate issued by the school board of the district in which the child is employed which certifies the youth's date of birth;
- a photocopy of a passport or visa which lists the child's date of birth; or
- a photocopy of the minor's identification card issued by the Florida Department of Highway Safety and Motor Vehicles.

FL Statute 450.045(1); FL Admin. Code 61L-2.003

WHAT ARE THE LAWS FOR 16- AND 17-YEAR OLDS?

Florida child labor laws have provisions specifically directed to 16 and 17-year-olds, including restrictions on what times during a day 16 and 17-year-olds may work, how many hours in a week they may work, and what jobs or occupations they may perform. The restrictions on the employment of 16 and 17-year-olds under Florida's child labor laws are discussed below.

What days, times, and hours can 16- and 17-year-old work?

Minors 16 and 17 years old may not work before 6:30 a.m. or after 11:00 p.m. and may work for a maximum of eight (8) hours in one (1) day when school is scheduled for the following day.

When school is in session, they may not work more than 30 hours in one week. Only those 16 or 17-year-olds enrolled in a career education program may be employed during school hours. FL Statute 450.081(2)

These time and hour restrictions on youth labor do not apply if:

- the minor is 16 or 17 years old and has graduated from high school or received a high school equivalency diploma;
- the minor has received a valid certificate of exemption from the school superintendent or his or her designee pursuant to Florida Statute 1003.21;
- the minor is enrolled in a public education institution and qualify on a hardship basis such as economic necessity or family emergency (such determination is made by the school superintendent or his or her designee, and a waiver of hours is issued to the minor and employer);
- the minors works in domestic service in private homes;
- the minor works for his or her parents; or
- the minor works as a page of the Florida Legislature.

FL Statute 450.081(5)

In what occupations are 16- and 17-year-olds prohibited from working?

Florida child labor laws prohibit 16 and 17-year-old youth, including those that are exempt from the definition of child or minor in Florida child labor laws as described above, except those employed in the entertainment industry, from working in the following occupations,

unless their activities are limited to office, sales, or stockroom work which will not place the minor in clear and present danger of losing life or limb:

- in or around plants or establishments manufacturing or storing explosives or articles containing explosive components;
- motor-vehicle driver and outside helper;
- occupations involving exposure to radioactive substances and to ionizing radiations;
- in or around toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed;
- any mining occupation;
- in the operation of power-driven hoisting apparatus;
- in the operation of power-driven baking machinery;
- manufacturing brick, tile, and similar products;
- wrecking, demolition, and shipbreaking operations;
- logging occupations and occupations in the operation of a sawmill, lath mill, shingle mill, or cooperage stock mill;
- roofing operations;
- in dispensing, transporting, modifying, or altering tanks, cylinders, or other equipment used for storing, any inert or compound gas, including air, which has been compressed to a pressure of more than 40 pounds per square inch (psi), except minors 16 or 17 years old may fill balloons and bicycle or car tires (but not truck or heavy equipment), if given proper instruction and the tank or cylinder is fixed and secure;
- firefighting; or
- occupations involving the operation of circular saws, band saws, and guillotine shears.

FL Statute 450.061(2), (3); FL Statute 450.061(2); FL Admin. Code 61L-2.005 (referencing US Regulation 29 CFR 570).

Florida law prohibits 16 and 17-year-old youth, including those that are exempt from the definition of child or minor in Florida child labor laws as described above, except those employed in the entertainment industry, from working in the following occupations, unless they are employed as a student learner or their activities are limited to office, sales, or stockroom work which will not place the minor in clear and present danger of losing life or limb:

- on any scaffolding, roof, superstructure, residential or nonresidential building building construction, or ladder above six (6) feet;
- in the operation of power-driven woodworking machines;
- in the operation of power-driven metal forming, punching, or shearing machines;
- slaughtering, meat packing, processing, or rendering, except as provided in US Regulation 29 CFR 570.61(c);
- in the operation of power-driven paper products and printing machines;
- excavation operations;
- working on electric apparatus or wiring; or
- operating or assisting to operate, including starting, stopping, connecting or disconnecting, feeding, or any other activity involving physical contact associated with operating, a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, forklifts, or any harvesting, planting, or plowing machinery, or any moving machinery.

FL Statute 450.061(2); FL Admin. Code 61L-2.005 (referencing US Regulation 29 CFR 570).

Are there any exceptions for 16- and 17-year-olds that are student learners?

Florida child labor laws allow employees to engage in many otherwise prohibited occupations, as discussed above, if they are a student learners. To qualify as a student learner for purposes of the above listed hazardous work, a minor must:

- be enrolled in a youth vocational training program under a recognized state or local educational authority;
- be employed under a written agreement that provides for the following:
    - the hazardous work performed by the student learner is incidental to the training;
    - the hazardous work is intermittent and for short periods of time and performed under the direct and close supervision of a qualified and experienced person;
    - safety instructions will be given and correlated with on-the-job training;
    - a schedule of organized and progressive work processes to be performed by the student learner on the job will be prepared before work begins.

FL Statute 450.161

WHAT ARE THE LAWS FOR 14- AND 15-YEAR-OLDS?

Florida child labor laws have provisions specifically directed to 14 and 15-year-olds, including restrictions on what times during a day 14 and 15-year-olds may work, how many hours in a week they may work, and what jobs or occupations they may perform. The restrictions on the employment of 14 and 15-year-olds under Florida's child labor laws are discussed below.

What days, times, and hours can 14- and 15-year-old work?

Pursuant to Florida child labor laws, youth who are 14 or 15 years old may generally work:

- When school is in session
  - between 7:00 a.m. and after 7:00 p.m. when school is schedule for the following day
  - no more than 15 hours in one week
  - no more than three (3) hours in on any school day, unless they are enrolled in a career education program or there is no session of school the following day
- During holidays and summer vacations
  - between 7:00 a.m. and 9:00 p.m.
  - no more than 40 hours in one week
  - no more than eight (8) hours in one day

FL Statute 450.081(1)

These time and hour restrictions on youth labor do not apply if:

- the minor has received a valid certificate of exemption from the school superintendent or his or her designee pursuant to Florida Statute 1003.21;
- the minor is enrolled in a public education institution and qualify on a hardship basis such as economic necessity or family emergency (such determination is made by the school superintendent or his or her designee, and a waiver of hours is issued to the minor and employer);
- the minors works in domestic service in private homes;
- the minor works for his or her parents; or
- the minor works as a page of the Florida Legislature.

FL Statute 450.081(5)

Prohibited occupations

Florida child labor laws prohibit 14 and 15-year-old youth, including those that are exempt from the definition of child or minor as described above, except those employed in the entertainment industry, from working in the following occupations:

- in connection with power-driven machinery, except law power mowers with cutting blades 40 inches or less;
- in manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work place where goods are manufactures, mined, or otherwise processed;
- in any manufacturing that uses industrial machines to make or process a product;
- the manufacture, transportation, or use of explosive or highly flammable substances;
- sawmills or logging operations;
- on any scaffolding;
- in construction (including demolition and repair);
- in work performed in or about boiler or engine rooms;
- in work maintaining or repairing machines or equipment;
- loading and unloading goods to and from trucks, railroad cars, or conveyors;
- in operating motor vehicles, except a motorscooter which they are licensed to operate, except 14 and 15-year-olds may drive farm tractors in the course of their farm work under the close supervision of their parents on a family-operated farm, and exempt that qualified 14 and 15-year-olds may drive tractors in the course of their farm work under the close supervision of the farm operator (qualified means having completed a training course in tractor operation sponsored by a recognized agricultural or vocation agency, as evidenced by a duly executed certificate, such certificate to be filed with the farm operator for the duration of the employment;
- service as a helper on a motor vehicle;
- public messenger service;
- in transportation of people or property by rail, highway, air, water, pipeline, or other means;
- in warehousing and storage, except office and clerical work;
- in occupations involved in agriculture as defined in 29 CFR 570.71)

- in communications and electric utilities;
- in oiling, cleaning, or wiping machinery or shafting or applying belts to pulleys;
- in repairing elevators or other hoisting apparatus;
- operating or tending of hoisting apparatus or of any power-driven machinery other than office machines;
- in freezers or meat coolers and all work in preparation of meat for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in a different area (this does not prohibit work performed in the normal operation of a food service facility licensed under Florida Statute 509;p
- operating power-driven laundry or dry cleaning machinery or any similar power-driven machinery;
- spray painting;
- alligator wrestling, work in conjunction with snake pits, or similar hazardous activities;
- in dispensing, transporting, modifying, or altering tanks, cylinders, or other equipment used for storing, any inert or compound gas, including air, which has been compressed to a pressure of more than 40 pounds per square inch (psi);
- door-to-door sales of products, magazines, subscriptions, candy, cookies, flowers, except merchandise of nonprofit organizations, such as the Girl Scouts of America or the Boy Scouts of America; or
- in working with meat or vegetable slicing machines.

FL Statute 450.061(1); FL Admin. Code 61L-2.005 (referencing US Regulation 29 CFR 570).

WHAT ARE THE FLORIDA CHILD LABOR LAWS FOR 13 YEARS OLD AND YOUNGER?

Under Florida's child labor laws, minors of any age may work in the following:

- as pages at the Florida Legislature;
- in the entertainment industry as regulated in Florida Statutes Florida Statutes 450.012(5) and 450.132;
- in domestic or farm work with parental consent at their own homes or the farm or ranch where they live, during the hours they are not required to be in school;
- directly for their own parents or guardians, during the hours they are not required to be in school;

- in herding, tending, and managing livestock, during the hours they are not required to be in school.

FL Statute 450.021(1)

Minors 10 years of age or younger may not sell or distribute newspapers. FL Statute 450.021(2)

Minors 13 years or younger may not be employed in any job at any time, except in those instances listed above. FL Statute 450.021(3)

CAN ESTABLISHMENTS THAT SELL ALCOHOLIC BEVERAGES HIRE MINORS?

Florida child labor laws prohibit any youth 17 years or younger, including those that are exempt from the definition of child or minor in Florida child labor laws as described above, from working in any place where alcoholic beverages are sold at retail, except:

- professional entertainers who are 17 years old and who are not in school;
- minors employed in the entertainment industry, who have been granted a waiver under Florida Statute 450.095, who are employed under the terms of Florida Statute 450.132, or who work under any other rules or regulations adopted by the state;
- minors who work in drugstores, grocery stores, department stores, florists, specialty gift shops, or automobile service stations which have a license to sell beer or beer and wine, when sales of the alcohol are made for consumption off premises;
- individuals who are 17 years of age who have graduated from high school or who are senior high school students with written permission from their principal who are employed by a bona fide food service establishment where alcoholic beverages are sold, provided that the individuals do not participate in the sale, preparation, or service of the beverages and their duties are of such a nature as to provide them with training and knowledge as might lead to further advancement in food service establishments;
- individuals working as bellhops, elevator operators, and other in hotels when such employees are engaged in work apart from the portion of the hotel where alcoholic beverages are sold;
- individuals working in bowling alleys whether alcoholic beverages are sold or consumed, so long as the individuals do not participate in the sale, preparation, or service of the beverages;
- individuals working in a bona fide dinner theater, so long as their work is limited to the services of an actor, actress, or musician (a dinner theater is defined as a theater presenting consecutive productions playing no less than 3 weeks each in conjunction with

dinner service on a regular basis where both events occur in the same room and the advertised price of admission includes both the cost of the meal and the attendance at the performance);

- individuals working for a vendor, club, caterer, or other business licensed under FL Statute 565.02(6), provided such persons do not participate in the sale, preparation, or service of alcoholic beverages.

FL Statute 450.021(4); FL Statute 450.13

CAN ADULT ENTERTAINMENT ESTABLISHMENTS HIRE MINORS?

Florida child labor laws prohibit any youth 17 years or younger, including those that are exempt from the definition of child or minor in Florida child labor laws as described above, from being employed, permitted, or suffered to work in an adult theater as defined in Florida Statute 847.001(2)(b). FL Statute 450.021(5), FL Statute 562.13(2)(h)

ARE MINORS ENTITLED TO MEAL AND/OR REST BREAKS WHEN THEY WORK?

Minors 17 years old or younger may not work for more than six (6) consecutive days in a week. FL Statute 450.081(3) Additionally, they must provide at least a 30-minute break after having worked four (4) continuous hours. Breaks of less than 30 minutes are not deemed to interrupt a continuous period of work. FL Statute 450.081(4)

MAY A CHILD BE GRANTED A WAIVER FROM FLORIDA CHILD LABOR LAWS?

In extenuating circumstances when it clearly appears to be in the child's best interest, the Department of Business and Professional Regulation may grant a waiver or partial waiver of the child labor law restrictions. Waivers are granted on a case-by-case basis as determined by the Department of Business and Professional Regulation or a school district designee if the minor is enrolled in the public school system. FL Statute 450.095

To obtain a waiver or partial waiver, the minor, his or her parents, guardians or chaperon, or his or her employer must submit the form, Application for Waiver of Florida Child Labor Law, Form DBPR FCL 1002 (Rev. 2/93), along with supportive factual information and documentation justifying the waiver. If awarded, the waiver applications will specify the restrictions that are waived and will be valid for no longer than one year. Employers must keep a copy of the waiver on file for the entire time the minor is employed.

The Department of Business and Professional Regulation or a school district designee, if the minor is enrolled in the public school system, considers all relevant information including:

- school status, including whether
  - the minor will receive instruction from a tutor at the place of employment;
  - the district school superintendent has authorized the minor to complete his or her education through other methods, such as home school;
  - the minor has been permanently expelled from the public school system;
  - the minor is enrolled in school in a foreign country and is visiting Florida while his or her school is not in session; or
  - the work would provide the minor an educational, vocational, or public service experience that would be beneficial.
- whether compliance with the child labor restriction would cause an undue financial hardship for the minor or the minor's immediate family. Documentation supporting a financial hardship waiver should include:
  - a notarized letter from a parent, guardian, or other adult who can attest to the minor's hardship explaining the circumstances creating the hardship;
  - written confirmation from a recently-attended school;
  - documentation for a social services agency; or
  - verification of participation in AFDC, Food Stamp, Project Independence, or other similar programs.
- whether physical or mental medical hardship creates a need for the waiver. Documentation supporting a medical hardship waiver should include written confirmation from the minor's physician stating the specific medical reasons the waiver from mandatory school attendance and affirming that the minor to excused from mandatory attendance may be allowed to work the requested hours or that the minor should be considered an adult for purposes of work hours;
- whether another type of hardship creates a need for the waiver; and
- whether there is a court order mandating that the minor work specific hours or in a specified occupation.

FL Admin. Code 61L-2.007

ARE MINORS ENTITLED TO BE PROVIDED SAFETY EQUIPMENT FROM THEIR EMPLOYERS?

Employers must provide minors with any safety equipment recognized as necessary in the industry and must instruct the minor on proper usage of the equipment. FL Admin. Code 61L-2.004

ARE EMPLOYERS REQUIRED TO POST FLORIDA CHILD LABOR LAWS?

Employers who employ minors must post in a conspicuous place on their property or place of employment, a poster notifying minors of Florida's child labor laws. A copy of the child labor laws poster may be found on Florida's Department of Business and Professional Regulation website.

ARE EMPLOYERS REQUIRED TO ALLOW RIGHT OF ACCESS TO THE STATE?

Florida child labor laws require employers to allow the Florida Department of Business and Professional Regulation to enter and inspect at any time and any place the files kept by employers and any other documents that may help in enforcing the Florida child labor laws. If an employer does not keep records at the location where youth work, they must produce the records to the Florida Department of Business and Professional Regulation within two (2) workdays. FL Statute 450.121(2); FL Admin. Code 61L-2.008

ARE THERE SPECIAL RULES FOR MINORS IN THE ENTERTAINMENT INDUSTRY?

Florida child labor laws allow youth of any age to work in the entertainment industry subject to several restrictions and limitations. Qualifying work in the entertainment industry includes work in:

- the production of motion pictures
- legitimate plays
- television shows
- still photography
- recording performances
- publicity performances
- musical performances
- live performances
- circuses
- rodeos

FL Statute 450.132(1)

Youth may perform work in these various productions so long as the work is not determined to be hazardous, or detrimental to their health, morals, education, or welfare. The restriction and limitations on child labor in the entertainment industry are discussed below.

Time limitations

Florida child labor laws set limitations on the hours in a day and a week youth may work for entertainment industry employers, some of which are age specific. No youth may work for an entertainment industry employer before 7:00 a.m. or after 11:30 p.m. Additionally, no youth may be required to work for more than six (6) consecutive days. The following age-specific limitations also apply:

- Minors under two (2) years old
    - Entertainment industry employers may only employ youth under two (2) years of age for up to four (4) hours per day subject to the following age-specific limitations:
        - minors under six (6) months old may not work for more than 20 minutes per day and may not be exposed to light with an intensity greater than 100 foot candlelight for more than one (1) minute every 15 minute period
        - minors six (6) months up to one (1) year old may not work for more than two (2) hours per day and may not be exposed to camera lights for more than two (2) minutes every 15 minute period
        - minors who one (1) year to under two (2) years old may not work for more than 3 hours per day
- Minors two (2) to five (5) years old
    - Entertainment industry employers may only employ youth ages two (2) to five (5) for up to four (4) hours per day and many only require youth ages two (2) to five (5) to remain at the place of employment for up to six (6) hours per day.
- Minors 6 to 8 years old
    - Entertainment industry employers may only employ youth ages six (6) to eight (8) for up to six (6) hours per day and many only require youth ages six (6) to eight (8) to remain at the place of employment for up to nine (9) hours per day.
- Minors 9 to 15 years old

- Entertainment industry employers may only employ youth ages nine (9) to 15 for up to seven (7) hours per day and many only require youth ages nine (9) to 15 to remain at the place of employment for up to 10 hours per day.

- Minors 16 to 17 years old
  - Entertainment industry employers may only employ youth ages nine (9) to 15 for up to ten (10) hours per day and many only require youth ages nine (9) to 15 to remain at the place of employment for up to ten (10) hours per day.

FL Admin. Code 61L-2.006(5)

Meal periods

Florida child labor laws require entertainment industry employer to provide youth under 18 years of age a meal break of at least 1/2 hour. The meal period, up to 1/2 hour, does not count towards the daily hour limit applicable to a youth employee. FL Admin. Code 61L-2.006(5)(d)

Rest period after the end of employment

Entertainment industry employers must assure that youth employees have a rest period of at least 12 hours between the time the youth's employment with the employer ends and the time the youth must return to regular school. FL Admin. Code 61L-2.006(5)(e)

After-the-fact partial waiver for emergency extension of work hours

In certain unexpected or emergency situations, Florida child labor laws permit entertainment industry employers to obtain an after-the-fact partial waiver of daily hour limitations for a youth employee who works more that the permissible number of hours in a workday. To receive the after-the-fact partial waiver, the entertainment industry employer must notify the Child Labor Section of Florida Department of Business & Professional Regulation of the situation which required the extended work hours on the next working day and demonstrate that the situation was resolved with the best interest of the minor in mind. FL Admin. Code 61L-2.006(5)(f)

Permit to Hire

Under Florida's child labor laws, employers in the entertainment industry must obtain a Permit to Hire prior to employing any minor. A Permit to Hire may be obtain by filing an application with the Child Labor Section of Florida Department of Business & Professional Regulation. Permits to Hire are valid for the time the production is schedule to take place

within the state of Florida, not to exceed 1 year. FL Statute 450.132(3); FL Admin. Code 61L-2.006(2)(a)

Reporting requirements

After receiving a permit to hire youth, entertainment industry employers in Florida are required to provide the Child Labor Section of Florida Department of Business & Professional Regulation with information relative to each "shoot" or separate program of a series including:

- the date work began
- the number of days worked
- the location of the work
- the date the work ended

FL Statute 450.132(5); FL Admin. Code 61L-2.006(2)(b)

Parental notice and authorization for medical care

Entertainment industry employers in Florida must notify the parents, guardian, or chaperon of any youth they employ of the terms and conditions of employment the youth under which the youth will be working including:

- the activities the minor will perform
- the place of location work
- the duration of location work
- the names of the producer and stunt coordinator (if applicable)

In addition to notifying parents, custodians, or chaperons of youth working on productions, entertainment industry employers must also obtain written authorization from the parents, custodians, or chaperons to provide medical treatment to the youth in the case of an emergency. FL Admin. Code 61L-2.006(3)

Child labor coordinator

Florida child labor laws require each entertainment industry employer employing youth under 18 years of age to designate on child labor coordinator on each set or in each touring company where youth work. The child labor coordinator will be the employer's contact for the Child Labor Section of Florida Department of Business & Professional Regulation and be

responsible for responding to any communication from the Child Labor Section regarding the employer's youth employees. FL Admin. Code 61L-2.006(4)

Penalties

In addition to the general penalties assessed for violation of Florida child labor laws, entertainment industry employers may have their Permit to Hire revoked or suspended if they violate the entertainment industry provisions of Florida child labor laws. FL Admin. Code 61L-2.006(6)

ARE THERE ANY PENALTIES FOR VIOLATING FLORIDA CHILD LABOR LAWS?

Florida child labor laws contain penalty provisions that provide for both criminal and civil penalties. Those potential penalties are discussed below.

Criminal penalties

Employers or other entities who violate Florida's child labor laws are guilt of a 2nd degree misdemeanor, punishable as provided in Florida Statutes 775.082 or 775.083.

Civil penalties

In addition to potential criminal charges, employers or other entities who violate Florida's child labor laws may be subject to administrative fines not to exceed $2,500 per offense. Before a fine may be levied, Florida's Department of Business and Professional Regulation must give the employer or other entity notice that it believes a violation has occurred, the provision of the child labor law believed to be violated, the facts support the allegation, the remedial requirement, and the time frame in which the requirement must be met.

Fines may only be levied if the employer or other entity fails to remedy the violation within the time given in the notice. Below are potential violations and the fine structure developed by Florida's Department of Business and Professional Regulation:

- Child labor poster not posted conspicuously
  - 1st Offense – up to $500
  - 2nd Offense – up to $1,000
  - 3rd Offense – up to $1,500
- Employment of minor in violation of age limitations
  - 1st Offense – up to $700

- 2nd Offense – up to $1,500
- 3rd Offense – up to $2,500

- Proof of age or copy of partial waiver of child labor law not on file
  - 1st Offense – up to $700
  - 2nd Offense – up to $1,200
  - 3rd Offense – up to $2,000
- Employment of minor in violation of alcoholic beverage law
  - 1st Offense – up to $1,000
  - 2nd Offense – up to $1,500
  - 3rd Offense – up to $2,500
- Child labor poster not posted conspicuously
  - 1st Offense – up to $500
  - 2nd Offense – up to $1,000
  - 3rd Offense – up to $1,500
- Violation of work hours restrictions of the child labor law
  - 1st Offense – up to $700
  - 2nd Offense – up to $1,200
  - 3rd Offense – up to $2,500
- Employment of minor in prohibited hazardous occupations
  - 1st Offense – up to $1,200
  - 2nd Offense – up to $1,700
  - 3rd Offense – up to $2,500
- Employment of minor in violation of any child labor law provision that results in injury or death to a minor
  - 1st Offense – up to $500
  - 2nd Offense – up to $2,500
  - 3rd Offense – $2,500
- Any other violation of the Florida child labor laws

- 1st Offense – up to $500
- 2nd Offense – up to $1,500
- 3rd Offense – up to $2,500

FL Admin. Code 61L-2.009

DISCLAIMER

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