

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 918

INTRODUCER: Senator Collins

SUBJECT: Employment of Minors

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Favorable
2.			RI	
3.			RC	

I. Summary:

SB 918 removes all restrictions on employment for minors 16 and 17 years-of-age set out in s. 450.081, F.S., relating to time of day, number of hours, and meal breaks. The bill grants exceptions to restrictions on work performed by minors 14 and 15 years-of-age under certain circumstances. The bill also removes reference to the Department of Business and Professional Regulation's (DBPR) ability to grant waiver of employment restrictions for minors.

The bill takes effect on July 1, 2025.

II. Present Situation:

Overview

Subject to some exceptions, federal and state child labor laws prevent work hours and timeframes from interfering with the child's health, safety, and education. At the federal level, the Fair Labor Standards Act (FLSA) determines the minimum age for work during school hours, performing certain jobs after school, and places restraints on work considered hazardous. Florida's Child Labor Law also restricts the employment of minors, sometimes more than federal law. Florida's Child Labor Law contains protections specifically directed to 16 and 17-year-olds, including restrictions on what times during the day they may work, how many hours in a week they may work, and what jobs or occupations they may perform.

Federal Fair Labor Standards Act

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.¹ Congress adopted the FLSA to

¹ 29 U.S.C. § 201-219; 29 C.F.R. ch. V.

prevent substandard labor conditions from being used as an “unfair method of competition.”² The FLSA covers employees and enterprises engaged in interstate commerce. An enterprise is covered if it has annual sales or business done of at least \$500,000.³ Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education.⁴

The FLSA was adopted as a minimum set of standards, which allowed states to provide greater protections for employees. Under the FLSA, if states enact minimum wage, overtime, or child labor laws that are more protective than what is provided by the FLSA, the state law applies.⁵ Because states may enact laws that are more protective than what is provided by the FLSA, minimum wage, overtime, and child labor standards vary state by state.

Child Labor

The FLSA prohibits the employment of “oppressive child labor” in the United States and the shipment of goods made in proximity to oppressive child labor.⁶ The FLSA establishes a general minimum age of 16 years for employment in nonhazardous occupations, and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 may work if certain conditions are met, and rules for agricultural and nonagricultural employment vary significantly.⁷

According to the US Department of Labor (DOL), two things are certain:⁸

- Once an employee is 18 years-of-age, there are no federal child labor rules.
- Federal child labor rules do not require work permits. However, many states issue age certificates if you are asked to provide them by your employer.

Nonagricultural Employment – Minimum Standards

For nonexempt children, the minimum age for employment in nonagricultural occupations is:⁹

- 18 years-of-age for occupations determined by the Secretary of Labor to be hazardous to the health and well-being of children (i.e., “hazardous occupations”);
- 16 years-of-age for employment in nonhazardous occupations; or
- 14 years-of-age for a limited set of occupations, with restrictions on hours and work conditions, as determined by the Secretary of Labor.

² *Brooklyn Savings Bank V. O’Neil*, 324 U.S. 697 (1945).

³ 29 C.F.R. §§779.258-779.259.

⁴ 29 U.S.C. §203(s)(1).

⁵ 29 U.S.C. § 218.

⁶ 29 U.S.C. §212.

⁷ Congressional Research Service, *The Fair Labor Standards Act (FLSA): An Overview*, (Mar. 8, 2023), <https://crsreports.congress.gov/product/pdf/R/R42713>. (last visited Mar. 24, 2025).

⁸ US Department of Labor, *Fair Labor Standards Act (FLSA) Child Labor Rules Advisor*, <https://webapps.dol.gov/elaws/whd/flsa/cl/default.htm> (last visited Mar. 24, 2025).

⁹ 29 CFR § 570.2.

A child under the age of 14 may not be employed unless his or her employment is explicitly excluded from the definition of oppressive child labor (e.g., a parent is the child's sole employer in a nonhazardous occupation) or exempt from the FLSA child labor provisions (e.g., newspaper delivery).¹⁰

The hours and times of day that 14- and 15-year-olds are allowed to work and specific occupations that are permitted or prohibited for such minors in nonagricultural occupations are set by federal and state law.

The FLSA allows the employment of minors 14 and 15 years-of-age during the following hours and times-of-day:¹¹

- Outside of school hours;¹²
- Not more than 40 hours in any 1 week when school is not in session;
- Not more than 18 hours in any 1 week when school is in session;
- Not more than 8 hours in any 1 day when school is not in session;
- Not more than 3 hours in any 1 day when school is in session, including Fridays; and
- Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

Oppressive Child Labor

The following occupations constitute oppressive child labor within the meaning of the FLSA when performed by minors who are 14 and 15 years-of-age:¹³

- Manufacturing, mining, or processing occupations.
- Occupations that the Secretary of Labor may, pursuant to section 3(l) of the FLSA, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing hoisting apparatus.
- Work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment.
- Occupations that involve operating, tending, setting up, adjusting, cleaning, oiling, or repairing any power-driven machinery, including but not limited to lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. Youth 14 and 15 years of age may, however, operate office equipment pursuant to § 570.34(a) and vacuum cleaners and floor waxers pursuant to § 570.34(h).
- The operation of motor vehicles.
- Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes.
- All baking and cooking activities except that cooking which is permitted by § 570.34(c).

¹⁰ 29 CFR § 570.119.

¹¹ 75 C.F.R. § 28448 (2010).

¹² 29 C.F.R. § 570.35(b) defines "school hours" as the hours that the local public school district where the minor resides while employed is in session during the regularly scheduled school year.

¹³ 29 C.F.R. § 570.33.

- Work in freezers and meat coolers and all work in the preparation of meats for sale except as permitted by § 570.34(j). This section, however, does not prohibit the employment of 14- and 15-year-olds whose duties require them to occasionally enter freezers only momentarily to retrieve items as permitted by § 570.34(i).
- Youth peddling, which entails the selling of goods or services to customers at locations other than the youth-employer's establishment, such as the customers' residences or places of business, or public places such as street corners and public transportation stations.
- Loading and unloading of goods or property onto or from motor vehicles, railroad cars, or conveyors, except the loading and unloading of personal non-power-driven hand tools, personal protective equipment, and personal items to and from motor vehicles as permitted by § 570.34(k).
- Catching and cooping of poultry in preparation for transport or for market.
- Public messenger service.
- Occupations in connection with transportation of persons or property, warehousing and storage, communications and public utilities, and construction (including demolition and repair).

Authorized Occupations

The FLSA allows the following occupations to be performed by minors 14 and 15 years-of-age when performed within the required timeframes:¹⁴

- Office and clerical work, including the operation of office machines.
- Work of an intellectual or artistically creative nature.
- Cooking with electric or gas grills which does not involve cooking over an open flame.
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.
- Price marking and tagging by hand or machine, assembling orders, packing, and shelving.
- Bagging and carrying out customers' orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean up work, including the use of vacuum cleaners and floor waxers, and the maintenance of grounds, but not including the use of power-driven mowers, cutters, trimmers, edgers, or similar equipment.
- Kitchen work and other work involved in preparing and serving food and beverages.
- Cleaning vegetables and fruits, and the wrapping, sealing, labeling, weighing, pricing, and stocking of items.
- The loading onto motor vehicles and the unloading from motor vehicles of the light, non-power-driven, hand tools and personal protective equipment that the minor will use as part of his or her employment at the work site; and the loading onto motor vehicles and the unloading from motor vehicles of personal items such as a back pack, a lunch box, or a coat that the minor is permitted to take to the work site.
- The employment of 15-year-olds (but not 14-year-olds) to perform permitted lifeguard duties at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include waterfalls and sprinkler areas, and baby pools; but not including the elevated areas of power-driven water

¹⁴ 29 CFR § 570.34.

slides) when such youth have been trained and certified by the American Red Cross, or a similar certifying organization, in aquatics and water safety.

- Employment inside and outside of places of business where machinery is used to process wood products.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing by hand; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Work in connection with riding inside passenger compartments of motor vehicles.

Agricultural Employment – Minimum Standards

With some exceptions, the minimum age for employment in agricultural occupations is:

- 16 years-of-age for employment in any agricultural job, including those determined to be hazardous by the Secretary of Labor, with no restrictions on hours of work;¹⁵
- 14 years-of-age for employment in nonhazardous agricultural jobs, outside of school hours;¹⁶
- 12 years-of-age (up to 13 years) for employment in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent; written consent is not required if the work takes place on a farm that also employs the child's parent;¹⁷
- 10 years-of-age (and up to 11 years) for employment to hand-harvest select crops for up to eight weeks in nonhazardous agricultural jobs, outside of school hours, with the written consent of a parent, providing the employer has obtained a waiver permitting this employment from the Secretary of Labor;¹⁸ or
- Any age (up to 12 years), for employment in nonhazardous agricultural jobs, outside of school hours on certain small farms, with a parent's written consent.¹⁹

A child of any age who is employed by a parent on a farm owned or operated by the parent may work without restriction.²⁰ DOL regulations also provide limited exemptions to child labor rules concerning hazardous agricultural occupations for student learners and graduates of vocational training programs that meet regulatory criteria.²¹

¹⁵ 29 CFR § 570.2.

¹⁶ 29 U.S.C. §213(c)(1)(C). DOL regulations identify the set of jobs and activities that—subject to hours-of-work restrictions—do not constitute oppressive child labor for children ages 14 and 15 years old. 29 C.F.R. §570.33.

¹⁷ 29 U.S.C. §213(c)(1)(B).

¹⁸ The conditions under which the Secretary of Labor will grant a waiver permitting the employment of 10 and 11 year old children to harvest certain crops can be found in 29 U.S.C. 213(c)(4) and 29 C.F.R. § part 575. However, as DOL notes “the Department was enjoined from issuing such waivers in 1980 because of issues involving exposure, or potential exposure, to pesticides (*see National Ass’n of Farmworkers Organizations v. Marshall*, 628 F.2d 604 (DC Cir. 1980)). Therefore, no waivers have been granted under FLSA section 13(c)(4) for thirty years.” DOL-WHD, “Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations-Civil Money Penalties - A Proposed Rule,” 75 Federal Register 54842, September 2, 2011.

¹⁹ 29 U.S.C. §213(c)(1)(A). Applies to the employment of children on farms that are exempt from FLSA minimum wage provisions because they employed fewer than 500 “man-days of agricultural labor” during any calendar quarter in the previous calendar year. FLSA defines a man-day of agricultural labor as “any day during which an employee performs any agricultural labor for not less than one hour”; 29 U.S.C. §203(u).

²⁰ 29 U.S.C. §213(c)(2).

²¹ 29 C.F.R. §570.72.

FLSA Child Labor Exemptions

The FLSA excludes the following occupations and work arrangements from coverage of its child labor provisions:

- *Children with a Parental Employer*: Children who work for a parent or a person standing in place of a parent²² in an occupation other than manufacturing, mining, or hazardous work may be employed at any age and for any number of hours.²³
- *Child Performers*: Children of any age may be employed as actors or performers in motion pictures or in theatrical, radio, or television productions.²⁴
- *Newspaper Delivery Persons*: Children of any age may be employed to deliver newspapers to consumers.²⁵
- *Evergreen Wreath Producers (Homebased)*: Children of any age may be employed as homeworkers to make evergreen wreaths and to harvest forest products used in making such wreaths.²⁶

Hazardous Occupations

Seventeen groups of nonagricultural occupations have been determined to be hazardous or detrimental to the health or well-being of children between the ages of 16 and 18 years.²⁷ Employment in these jobs is prohibited, with limited exemptions for registered apprentices and student learners.²⁸ In some instances, children's employment is banned in entire industries (e.g., coal mining) with some exceptions for office, sales, or maintenance work; others prohibit children's exposure to materials (e.g., radioactive substances) or equipment (e.g., power-driven hoisting apparatus).

Eleven types of agricultural occupations have been determined to be hazardous, in which—with few exceptions—a child below the age of 16 may not be employed.²⁹ These include, for example, handling or applying certain agricultural chemicals, and working on a farm in a pen occupied by a stud horse maintained for breeding purposes. The prohibition on employment in agricultural hazardous occupations does not apply to children employed by a parent on a farm owned or operated by the parent.³⁰ When certain requirements are met, student learners and

²² Parent or person standing in place of a parent is defined in 29 C.F.R. §570.126 as including “natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent.”

²³ This exemption stems from the FLSA definition of oppressive child labor at 29 U.S.C. §203(1), which excludes children employed by a parent in most nonhazardous occupations. For children employed in nonagricultural work, the parent must be the sole employer for the exemption to hold. The parent need not be the sole employer for children working in agriculture on a farm owned or operated by the parent.

²⁴ 29 U.S.C. §213(c)(3).

²⁵ 29 U.S.C. §213(d).

²⁶ 29 U.S.C. §213(d).

²⁷ 29 C.F.R. §§570.50-570.68.

²⁸ The prohibition on minors' employment in the nonagricultural hazardous occupations applies even if the child is employed by a parent. The conditions under which a registered apprentice or student learner may participate in hazardous occupation tasks are described in 29 C.F.R. §570.50 (b)-(c).

²⁹ Hazardous agricultural occupations are described in 29 C.F.R. §570.71. Exemptions to the ban on children's employment in hazardous agricultural occupations are described in 29 C.F.R. §570.72.

³⁰ 29 U.S.C. §213(c)(2).

graduates of tractor or machine operation programs that meet regulatory criteria may be employed in select hazardous occupations.

FLSA Violations

Two remedies are available for violations of the FLSA child labor provisions. The Secretary of Labor may assess civil penalties or seek other relief, including injunctive relief. Employers who violate the FLSA child labor provisions may be assessed the following civil penalties:

- Up to \$15,138 for each employee who was the subject of a child labor violation; or
- Up to \$68,801 for each violation that causes the death or serious injury of a minor employee, a penalty may be doubled if the violation is a repeated or willful violation.³¹

U.S. district courts have jurisdiction to enjoin violations of the FLSA's child labor provisions.³² For example, a federal court may order an employer to halt employment of a minor in a hazardous occupation or may enjoin a producer from shipping goods out of state from an establishment in or about which a child labor violation has occurred. Criminal penalties are also prescribed for willful violations of the FLSA's child labor provisions.³³

Florida's Child Labor Law

Florida's Child Labor Law (CLL), ss. 450.001-450.165, F.S., provide guidelines for child labor in the state that employers must follow in addition to the FLSA.

Hours of Work in Certain Occupations

Currently, the CLL mandates that minors 16 and 17 years-of-age are not allowed to be employed during school hours, unless they are enrolled in a career education program.³⁴ These minors may not be employed, permitted, or suffered to work:

- Between 11 p.m. and 6:30 a.m. when school is scheduled the following day.
- For more than 8 hours in any one day, when school is scheduled the following day, except for holidays and Sundays.
- For more than 30 hours each week when school is in session, except for certain circumstances through a waiver.
- For eight hours or more a day without at least a 30 minute break.³⁵

The CLL further mandates that minors 15 years-of-age and younger may not be employed, permitted, or suffered to work:

- Between 7 p.m. and 7 a.m. when school is scheduled the following day.
- For more than 15 hours in any week when school is in session.
- For more than 3 hours a day on a school day, unless they are enrolled in a career education program or there is no school the following day.

³¹ These civil money penalties took effect on January 16, 2023, and are adjusted for inflation as provided by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (P.L. 114-74).

³² 29 U.S.C. §217.

³³ CONG. RSCH. SERV., *The Fair Labor Standards Act (FLSA): An Overview*, Mar. 8, 2023, at 17 <https://crsreports.congress.gov/product/pdf/R/R42713> (last visited Mar. 24, 2025).

³⁴ Section 450.081, F.S.

³⁵ *Id.*

- For more than six days per week.
- For more than four hours continuously without at least a 30 minute break.³⁶

During holiday and summer vacations, minors 15 years-of-age and younger may not work:

- Between 9 p.m. and 7 a.m.
- For more than 8 hours per day.
- For more than 40 hours per week.³⁷

These restrictions do not apply to:

- Minors 16 and 17 years-of-age who have graduated from high school or received a high school equivalency diploma.
- Minors who are within the compulsory school attendance age limit and who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to s. 1003.21(3), F.S.
- Minors enrolled in an educational institution who qualify on a hardship basis and receive a waiver as determined by the school superintendent.
- Minors 16 and 17 years-of-age 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, minors employed by their parents, or pages in the Florida Legislature.³⁸

Additionally, the CLL sets out that:

- DBPR may grant waivers of the restrictions laid out in s. 450.081, F.S.
- The presence of a minor in a place of employment during working hours is prima facie evidence of their employment at such place.
- An employer who violates s. 450.081, F.S., is subject to penalties in s.450.141, F.S.³⁹

Curfew

Florida authorizes cities and counties to enact their own curfew ordinances for minors under the age of 16.⁴⁰ The law provides that any minor under the age of 16 cannot be present at a public establishment during the following hours, not including legal holidays:

- Sunday to Thursday from 11:00 p.m. to 5:00 a.m.
- Saturday or Sunday from 12:01 a.m. to 6:00 a.m.
- 9:00 a.m. to 2:00 p.m. if suspended from school.⁴¹

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 877.20, F.S.

⁴¹ Section 877.22, F.S.

The statutory curfew does not apply unless the curfew is adopted by a governing body of the county or municipality.⁴² A governing body of a county or municipality is allowed to adopt restrictions that are more or less stringent than the statutory curfew.⁴³

III. Effect of Proposed Changes:

Restrictions on the Employment of Minors

SB 918 amends s. 450.081, F.S., to remove the limitations on working hours for minors 16 and 17 years-of-age. Under the bill, those minors are no longer restricted from working at night or for more than 8 hours a day when school is scheduled the next day. Those minors may also work more than 30 hours a week when school is in session and for more than eight hours a day without a thirty minute break.

Additionally, the bill removes all employment restrictions in s. 450.081, F.S., for minors 14 and 15 years-of-age:

- Who have graduated from high school or received a high school equivalent diploma.
- Who hold a valid certificate of exemption issued by the school superintendent.
- Who are enrolled in a home education, or virtual instruction program in which the minor is separated from the teacher by time only.

The bill also removes all employment restrictions in s. 450.081, F.S., for all minors who qualify on a hardship basis, are enrolled in a public school, and receive a waiver of hours from the school superintendent.

Finally, the bill removes reference to DBPR's power to grant waivers of the employment restrictions imposed by s. 450.081, F.S. DBPR still has the authority to grant waivers under s. 450.095, F.S.

Effective Date

The bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴² Section 877.25, F.S.

⁴³ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. Employers may see an increase in the number of minors available for employment and the hours in which they are able to work.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 450.081 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
