

2006
STATE OF FLORIDA
CHILD LABOR LAW
HANDBOOK



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FOREWARD

This handbook is not the Child Labor Law. It is intended to be a convenient guide for use by employers, supervisors, human resource managers, school officials, and employees. It is not intended as legal advice. Employers or employees who need legal advice should consult an attorney.

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INTRODUCTION

On January 1, 1992, the new and revised Florida Child Labor Law became effective. The Child Labor Law and the Federal Fair Labor Standards Act (FLSA) provide the rules and regulations that govern the employment of minors in Florida. This booklet is intended to summarize the content of these laws, as well as provide supplemental materials such as a copy of the Child Labor Law and a list of key terms. The Child Labor Rule promulgated in 1993 provides additional rules and regulations that govern the employment of minors, specifically, minors employed by the entertainment industry. A copy of the Child Labor Law, Child Labor Rule, or copies of the handbook may be obtained from The Bureau of Child Labor. This information is also available through our website at MyFlorida.com/dbpr/reg/childlabor.

This handbook can be a helpful reference guide, and its table of contents can be used to locate relevant information when searching for answers to specific questions. If the handbook does not answer the questions, contact the **Child Labor Office at 850.488.3131 or 800.226.2536**.

History of the Child Labor Law

Child Labor first became a significant issue in nineteenth-century England. The industrial revolution created a huge demand for cheap labor, which was filled by working children for long hours in unhealthy conditions. The public outcry in England, and later in the United States, eventually brought about a slate of laws intended to protect children from exploitation.

Although children no longer face the terrible working conditions of eighteenth century England, some problems remain the same. Florida legislators recognized these issues and created the Florida Child Labor Law as a remedy for the problems. All of the rules and regulations in this handbook are designed to serve the best interests of minors, businesses, and citizens of Florida.

The Purpose of the Child Labor Law

The purpose of the Child Labor Law is to protect the health and welfare of minors in the workplace and to safeguard their education.

The Child Labor Law and the Administrative Rule

Chapter 450, Part I of the Florida Statutes, is referred to as the Child Labor Law. The law, which is included in the Appendix, covers the basic regulations governing the working relationships between minors and their employers. Rule 61L-2, which carries the weight of law, is a supplemental document that also provides regulations applicable to working minors. A copy of the Child Labor Rule can be obtained by writing the Child Labor office. Because the Child Labor Law and the administrative rule are the technical documents that many find difficult to read, this booklet attempts to relate their content in simplified language. These documents are also available through MyFlorida.com/dbpr/reg/childlabor.

The Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) is a federal law that governs labor and employment practices in the United States. Portions of the FLSA are relevant to child labor issues in Florida. In some cases, the FLSA and the Florida Child Labor Law provide regulations concerning hours of work, and restricted occupations. This booklet lists the applicable provision.

Since not all businesses are covered by the FLSA, some of the information in this booklet is not relevant in those instances. Businesses not covered by the FLSA must nevertheless comply with the Florida Child Labor Law. For additional information on the FLSA, you may contact the USDOL web site. Please review the listing of websites at the end of this booklet.

CHAPTER 1 DEFINITION OF A MINOR

Who is a Minor?

The State of Florida defines a minor as a person under the age of 18. For the purposes of this handbook, the terms "child", "minor", and "youth" are interchangeable.

Who Is Exempt from the Minor Status?

Persons under 18 may be exempt from the hour limitations of the Child Labor Law if:

1. They are or have been legally married.
2. A court of competent jurisdiction removes their nonage disability or approves the employment.
3. They are serving or have served in the Armed Forces of the United States.
4. They have graduated from high school or have earned a high school equivalency diploma.

Youth under 18 who are exempt from minor status are required to show proof of exemption to their employers, (see Chapter 5).

Note: Minors may be exempt from hour limitations based on their minor status listed above; however, hazardous restrictions still apply until the minor reaches 18.

CHAPTER 2

MINIMUM AGE FOR EMPLOYMENT OF MINORS

Who Can Work?

A minor must be at least 14 years of age or older to work. A minor who is aged 14 or older, may work in an occupation that is not declared hazardous.

Who is Exempt from the Minimum Age Requirements?

In certain cases, minors under the age of 14 may be legally employed. The law recognizes four exceptions to the rule governing minimum age:

1. Minors of any age may work as pages in the Florida Legislature.
2. Minors of any age may work in the entertainment industry. Many special rules and regulations apply to minors who work as actors, dancers, models, musicians, and athletes.
3. Minors of any age may be employed by their parents or guardians.
4. Minors 11 years of age or older may be engaged in the sale and distribution of newspapers.
5. Minors of any age may be employed in domestic or farm work in connection with their own homes or the farm or ranch on which they live, or directly for their own parents or guardian, or in the herding, tending, and management of livestock, during the hours they are not required by law to be in school.

For more information concerning these exceptions, refer to Section 450.021 of the Florida Statutes in the Appendix.

CHAPTER 3 HOURS OF EMPLOYMENT

How Many Hours Per Day May Minors Work?

Minors under Age 16: When School is in Session

Florida law states that on a school day, minors under 16 may work no more than three hours when school is scheduled the following day and up to eight hours on other days when school does not follow. The **FLSA** states that minors may work no more than three hours on a school day. The practical application of both state and federal law allows minors under 16, to work three hours on all days except Saturday, and Sunday when they may work up to eight hours per day.

Minors under Age 16: When School is not in Session

The daily maximum is eight hours on non-school days when a school day does not follow, holidays and during summer vacation.

Minors Aged 16 and 17: When School is in Session

Minors aged 16 and 17 may work no more than eight hours a day, when school is scheduled the following day, and have no hour restrictions on either Friday or Saturday, as school does not follow the next day.

Minors Aged 16 and 17: When School is not in Session

There are no hour restrictions for this age group on days when school does not follow, and during summer vacation.

How Many Hours Per Week May Minors Work?

Minors under age 16

Minors under age 16 may work up to 15 hours a week when school is in session. During non-school weeks (Winter and Spring breaks), and summer vacation, they may work up to 8 hours a day, 40 hours per week.

Minors Aged 16 and 17

Minors aged 16 and 17 may work up to 30 hours a week when school is in session. During non-school weeks (winter and spring breaks), and summer vacation, there are no restrictions on the amount of hours they may work.

During Which Hours of the Day May Minors Work?

Minors under age 16

School attendance is compulsory. Minors under age 16 may not work before 7 a.m. or after 7 p.m. when school is scheduled the following day, and may not work during the hours school is in session. On days when school does not follow, non-school days, and summer vacations, Florida law allows minors to work before 7 a.m. until 9 p.m.

Special Note:

The federal FLSA is more restrictive than state law, limiting 14 and 15 year olds to work not before 7 a.m. or after 7 p.m. (9 p.m. from June 1, through Labor Day). Employers who are covered under the FLSA must adhere to the federal application of the law.

Minors Aged 16 and 17

Minors aged 16 and 17 may not work before 6:30 a.m. or after 11 p.m. 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.

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 starting a work shift on Sunday.

How Many Days Per Week May a Minor Work?

Minors may work no more than six consecutive days in any one week.

Are Minors Required to Receive Meal Breaks?

Minors may work no more than more four consecutive hours without a 30 minute, uninterrupted break. For example, if a minor is scheduled to work from 9 a.m. until 4 p.m., a break must be given no later than 1 p.m. A break for the first four hours of work cannot be '**saved**' for a later time by the minor or the employer. The meal break must be uninterrupted. If a minor is called to work during his or her break, the break shall begin again and shall continue uninterrupted for 30 minutes. The employer may, but is not required to pay wages for a minor's break time.

Who Is Exempt from Restrictions on Hours?

The following minors are exempt from some hour restrictions.

1. Minors who have been issued a waiver of hours. Minors enrolled in the K-12 (public school program) may apply for this waiver by asking their public school superintendent or designee. Other minors may apply by calling or writing the The Bureau of Child Labor and requesting Form FCL 1002, see Chapter 6.
2. Minors who are enrolled in a career education or work experience program approved by a state or federal agency. Approved programs include but are not limited to: Work Experience and Career Cooperative Training, Marketing Education, Workforce Investment

Act, Vocational Rehabilitation, and Apprenticeship Programs. Minors participating in these programs may work during school hours.

3. Minors who perform domestic work in private homes. Such work may be performed for employers other than the minor's parent or guardian.
4. Minors who are employed by their parents.
5. Pages who work in the Florida Legislature.

CHAPTER 4 HAZARDOUS OCCUPATIONS

Which Occupations Are Prohibited from Minors?

The Child Labor Law and the FLSA identify jobs that are dangerous to the health and safety of minors. Minors are not permitted to work in these occupations. No minor under 18 years of age, whether such person's disabilities of nonage have been removed, shall be employed or permitted to work in the hazardous occupations listed below. For information concerning the ability of minors to work where alcoholic beverages are sold, please contact:

Department of Business and Professional Regulation
Division of Alcoholic Beverages and Tobacco
1940 N. Monroe Street
Tallahassee, Florida 32399-1020
850.487.1395

The rules governing hazardous equipment are divided into two groups: one for minors aged 14 and 15 and another for all minors. For an extensive survey of these occupations, see Child Labor Bulletin No. 101 and 102, which are published by the U.S. Department of Labor, and Section 450.061 of the Florida Statutes (see Appendix). You may access the Federal Child Labor Hazards listing through the Internet at the web sites listed at the end of this booklet.

The most common hazardous occupations are listed below:

Occupations Prohibited from All Minors

- Working in occupations involving explosives or radioactive materials
- Manufacturing brick, tile and like products
- Logging or sawmilling
- Working in occupations involving toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed.
- Firefighting
- Operating or assisting to operate tractors over 20 PTO horsepower, forklifts, earthmoving equipment, and harvesting, planting, or plowing machinery or any moving machinery
- Slaughtering, meat packing, processing, or rendering of meat
- Mining occupations
- Working with electrical apparatus and wiring
- Working on any scaffolding, roofs, or ladders above six feet
- Operating power-driven bakery, metal-forming, woodworking, paper product or hoisting machines

- Wrecking, demolition, or excavation
- Operating power-driven meat and vegetable slicing machines
- Operating motor vehicles as drivers and serving as outside helpers; delivery drivers
- Operating circular saws, band saws, & guillotine shears
- Working with compressed gases: minors are not allowed to dispense, transport, service, modify, or alter tanks, cylinders or other equipment used for storing any inert or compound gas, including air, which has been compressed to a pressure that exceeds 40 pounds per square inch (p.s.i.), except that minors who are sixteen (16) years of age or older may fill balloons, and bicycle or car tires (but not truck or heavy equipment), if given proper instruction and the tank or cylinder containing the compressed gas is fixed and secure.

Additional Occupations Prohibited for Minors Aged 14 and 15

- Conducting door-to-door sales, except for some non-profit organizations such as the Boy Scouts or Girl Scouts, and under close supervision by an adult
- Operating or assisting to operate power-driven machinery, including all power mowers and cutters
- Maintaining or repairing an establishment, machinery or equipment
- Working in freezers or meat coolers
- Operating power driven meat or vegetable slicing machines
- Operating motor vehicles, except for scooters, and in some cases, farm tractors
- Manufacturing, mining or processing occupations, including occupations requiring duties to be performed in workrooms or workplaces where goods are manufactured, mined or processed
- Handling certain dangerous animals
- Cooking (some exceptions apply) and baking including bakery machinery
- Working in all occupations in transportation, warehousing and storage, communications, and construction (except clerical); boiler or engine rooms
- Loading and unloading trucks, railroad cars, or conveyors
- Working in public messenger services
- Spray painting
- Occupations which involve operating, setting up, adjusting, cleaning , oiling, or repairing power-driven food slicing machines and grinders, food choppers and cutters, and bakery-type mixers

CHAPTER 5 REQUIREMENTS FOR EMPLOYEE DOCUMENTATION

Must Minors Provide Documentation to Their Employers?

Employers are required to maintain proof of age. The following are considered acceptable proof.

1. A photocopy of the minor's birth certificate.
2. An age certificate issued by the minor's district school board.
3. A photocopy of the minor's driver's license.
4. A photocopy of the minor's passport or visa if it includes the date of birth.
5. A photocopy of the minor's identification card issued by the Florida Department of Highway Safety and Motor Vehicles.

Employers are required to keep a copy of waiver authorizations on those minors they employ who have been issued a waiver. The minor should retain the original. For more information about waivers and how to apply for them, see Chapter 6.

A youth under 18 may be exempt from classification as a minor if he/she provides proof of exemption in one of the following ways:

1. A certificate of marriage, marital separation, annulment or divorce.
2. A copy of a court order that frees them from provisions of the Florida Child Labor Law, or
3. A copy of current military orders, a copy of discharge, or separation papers from military duty.
4. A copy of a high school diploma, GED, or an official letter from the minor's school, certifying graduation.

What Are the Duties of the Employer?

Employers are required to keep waiver authorizations, proof of age documentation, and proof of exemption from minor status for all employees who are under 18. These records must be maintained for the duration of the minor's employment. Unless exempt from the FLSA, the records must be kept until the minor turns 19.

Employers, who hire minors, must display a poster in a conspicuous place on the property or place of employment notifying them of the Child Labor Law. Posters may be obtained through our website located at MyFlorida.com/dbpr/reg/childlabor or by calling the Bureau of Child Labor.

Bureau of Child Labor
1940 N. Monroe Street
Tallahassee, Florida 32399-1044
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Toll-free 800.226.2536

CHAPTER 6 WAIVERS OF THE CHILD LABOR LAW

What Are Waivers?

The Florida Child Labor Law is designed to serve and protect minors and to encourage them to remain in school. At times, however, some minors feel that the law conflicts with their best interest or that their life circumstances are such that they need to work. Minors have the right to request exemption from parts of the Child Labor Law. The documents that allow them this privilege are called “waivers.” Waivers are valid for one year after the date of issue and may be renewed upon written request.

What Waivers Are Available?

Minors who are not working in the entertainment industry may apply for waivers through two methods:

When minors are enrolled in the public high school system (K-12), either the minor’s school superintendent or his/her designee has the responsibility of issuing waivers. To apply for a waiver, students should see a school representative. If the request is approved by the school official, the school will issue a waiver for the student.

Minors who are no longer enrolled in the public high school system (K-12 programs), are required to submit form **FCL 1002**, “ *Application for Waiver of the Florida Child Labor Law*”, and supply supporting documentation to the Child Labor office. Minors in this category include minors enrolled in: home school, Adult-Ed, GED classes, private school, expelled students, and dropouts.

Forms may be obtained either through the Bureau of Child Labor or online at MyFlorida.com/dbpr/reg/childlabor .

When Are Waivers Granted?

Waivers are granted on a case-by-case basis, when it clearly appears to be in the best interest of the minor. This means that each application is evaluated on its own merits. In order to qualify for a waiver, applicants must demonstrate that sections of the Child Labor Law need to be waived. The following are considered proper justification for authorizing a waiver.

1. Financial Hardship

An applicant may show that compliance with the Child Labor Law will result in financial hardship for the minor or the minor’s immediate family. Proof of financial difficulty may include several documents: a notarized letter from a parent or legal guardian; a notarized letter from an adult who knows and can attest to the minor’s financial hardship; written confirmation from a school recently attended; documentation from a social service agency; or verification of participation in AFDC, Food Stamps, or Welfare-to-Work program. Either the

Bureau of Child Labor or school superintendent may require documentation from several sources, depending on the case.

2. Medical Hardship

An applicant may provide written confirmation from a physician stating medical hardship for the minor or immediate family which specifies medical reasons why the minor needs to be excused from school. The documentation must also affirm that the minor should be allowed to work.

3. School Status

An applicant may show that compliance with the Child Labor Law will result in unreasonable restrictions in specific situations. A minor should provide written confirmation from his or her public school superintendent or designee and copies of school records clearly defining the minor's school status. The following reasons may be used to justify a partial waiver based on school status:

- a. The minor will receive instruction by a tutor at the place of employment.
- b. The minor has been authorized by the public school superintendent to complete his/her education through alternative methods such as home school.
- c. The minor has been expelled from the public school system.
- d. The minor is enrolled in school in a foreign country and is visiting Florida during his or her home country's non-school period. Note: A minor who is not a U.S. citizen and not authorized to work by the Immigration and Naturalization Service (INS), is not entitled to a waiver.
- e. The minor undertakes a special educational experience that will provide a meaningful educational, vocational, or public service experience that would be beneficial to the minor.

4. Court Order

A court of law has ordered that the minor will work specified hours or in an occupation specified as mandated in the court order.

The minor will be notified of the decision as soon as the application is processed. Any questions about the application should be directed to the Child Labor office.

Which Parts of the Law Can Be Waived?

Most waivers allow minors to be exempt from restrictions on hours. For example, a 16 year old might request to work 40 hours a week rather than 30 because of a family hardship. A high school student who had to drop out to support his/her ailing father might ask to be allowed to work during school hours. In cases where it is in the best interest of the minor, a waiver may be issued.

CHAPTER 7 CHILD LABOR VIOLATIONS

What Can Be Done About a Suspected Child Labor Violation.

Minors or other members of the public who feel that a violation of the Child Labor Law has occurred should immediately contact the Child Labor office. The information maybe given anonymously, so employees need not fear for their jobs. When calling in a suspected violation, it is best to provide as much information as possible, including the name and address of the business, phone number, name of the employees involved, and the date(s) of the violation. Such information is essential to a thorough and successful investigation.

What Happens to the Employer when a Violation is Alleged?

Sometimes violations occur simply because the employer is not familiar with the law. Since the Bureau of Child Labor's goal is to ensure that employers understand and abide by the law, most first offenders are issued a Notice of Warning. The warning includes the provisions or rules alleged to be violated, the facts alleged to constitute the violation and requirements for remedial action. If the employer corrects the problems, no fine will be levied.

If it becomes necessary to investigate a business because of allegations of misconduct, the law requires all employment records and information be made available for inspection. Violations that are discovered after the employer has received a Notice of Warning, may result in a civil fine of up to \$2,500 per violation. Each day that the violation continues constitutes a separate offense. For a complete list of violations and their corresponding fines, contact the Child Labor office.

Whoever violates the Child Labor Law is also guilty of a second-degree misdemeanor. If the employer causes a youth mental or physical pain or willfully endangers the life of the minor, the employer may be guilty of a second-degree felony.

APPENDIX

DEFINITIONS

ADMINISTRATIVE RULE - A supplement to the Child Labor Law that expands and explains the laws and regulations governing the employment of minors.

CAREER EDUCATION - Those career education programs defined in Subsection 228.041(22), F.S., presently in effect, and all Department of Education approved job training programs and similar job preparatory programs administered by the Agency for Workforce Innovation, other departments of the state, and federal programs, including the following programs now existing or similar programs hereafter developed, such as Work Experience and Career Exploration, Diversified Cooperative Training, Marketing Education, Adult Migrant Education, Workforce Investment Act, Vocational Rehabilitation, Apprenticeship, and Job Corps.

CHILD - See minor.

CHILD LABOR LAW - Those laws found in Section 450, Part I of the Florida Statutes.

CHILD LABOR OFFICE - A Bureau within the Department of Business and Professional Regulation.

CORROSIVE SUBSTANCE - Any substance, liquid or solid, that causes destruction of human skin tissue or any substance, liquid or solid, that has a severe corrosive rate on steel or aluminum.

DESIGNEE - An official who represents another.

DOMESTIC WORK - Household chores such as sweeping, mopping, emptying the trash, etc., that are performed in a private residence or nursing home.

EMPLOY - Put to use or service, engage the services of, or permit anyone to work.

EMPLOYER - Any person, company, or corporation that retains the services of a minor.

EMPLOYMENT - The act of working or engaging in an occupation

ENTERTAINMENT INDUSTRY - Any group, entity, organization, or individual, in which the services of any minor are rendered in any capacity in conjunction with any motion picture, television, video, audio, theatrical, or still photography, including, but not limited to, theatrical film, commercial, documentary, television, radio, and/or cable, by any medium including theater, television, audio cassette, or video cassette; legitimate theatres or photography; recording; modeling; theatrical productions or publicity; rodeos; circuses, musical performances; or any other performances where minors perform.

EXPLOSIVES - Any chemical compound, mixture, or device whose common purpose is to function by explosion, i.e., with substantially instantaneous release of gas or heat, unless such compound, mixture, or device is specifically classified.

FAIR LABOR STANDARDS ACT - A federal law that contains provisions regulating the employment of minors.

FARM WORK - All agricultural work performed on farms.

GUARDIAN - A person lawfully invested with the responsibility of taking care of the minor

HAZARDOUS OCCUPATIONS - Any occupation in which a minor may be seriously injured, maimed, or killed. See those occupations listed in Section 450.061, Florida Statutes, and in the administrative rule.

LOGGING OPERATIONS - All work in connection with felling timber: converting timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; collection, skidding, yarding, loading, transportation and unloading of such products in connection with logging; construction, repair, and maintenance of roads, railroads, flumes, or camps used in connection with logging; movement, installation, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. This does not include any work performed in timber culture or timber-stand improvement.

MANUFACTURING - The performance of any duties in connection with processing raw materials or goods into a finished product, as well as any duties performed in or about facilities where such processing occurs.

MINING - Work performed underground or on the surface of underground mines and quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about dredging operations for clay, sand, or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills that reduce the bulk of the extracted minerals; at or about any crushing, grinding, screening, sizing, washing, or cleaning operations performed upon the extracted minerals except where such operations are part of a manufacturing process.

MINOR - Any person seventeen years of age or younger, unless emancipated or exempted from the Child Labor Law.

MOTOR VEHICLE - Any automobile, truck, truck-tractor, trailer, semi tractor-trailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation, but shall not include any vehicle operated exclusively on rails.

MOVING MACHINERY - Any equipment that is motorized and moves about an area.

POWER-DRIVEN MACHINERY - Portable or fixed machines or tools driven by power such as electricity or gasoline. An occupation in connection with power-driven machinery means operating or assisting to operate a machine by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or setting up, adjusting, repairing, maintaining, or cleaning the machinery.

POWER-DRIVEN WOODWORKING MACHINES - All fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

SAWMILL OPERATIONS - All work performed in or about any sawmill, lath mill, shingle mill, planning mill, or cooperage-stock mill in connection with the storage of logs or bolts; the conversion of logs or bolts into sawn lumber, laths, shingles, or other products of such mills; and other work performed in connection with such mills. This shall not include work performed in remanufacturing, departments of any sawmill, or in any remanufacturing plant that is not a part of a sawmill.

SCAFFOLDING - Any temporary platform or raised framework used in building construction or repair.

SCHOOL DAY - A day or days designated by the local school or educational program for school attendance for a particular minor.

SCHOOL HOURS - The hours designated by the local school or educational program for school attendance.

TOXIC SUBSTANCE - Those substances set forth in Subsection 442.102(21), F.S., presently in effect.

WAIVER - A document that exempts the holder from certain requirements of the Florida Child Labor Law.

**CHILD LABOR
INTERNET SITES
RELATED INFORMATION RESOURCES**

All items listed below can be located at MyFlorida.com/dbpr/reg/childlabor .

Florida Child Labor Handbook

Florida Child Labor Poster

Florida Child Labor Law

Florida Statutes 450.001, Part 1

Florida Administrative Rule

Child Labor Rule Chapter 61L-2

Forms:

“Application for Waiver of the Florida Child Labor Law” FCL 1002

“Application for Permit to Hire”(Entertainment Industry Only) FCL 1001

“Final Report” (Entertainment Industry Only) FCL 1003

USDOL, Division of Wage and Hour, offers assistance to employers and employees with information on understanding the Fair Labor Standards Act (FLSA).

<http://www.dol.gov/elaws/flsa.htm>

Child Labor Regulations: Title 29, Part 570

http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/toc.htm

Child Labor Hazards for 16-18 yr. olds; CFR 29, Chapter V, Part 570, Subpart E

http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/Subpart_E.htm

Child Labor Employment of 14-15 yr. olds; CFR 29, Chapter V, Part 570, Subpart C

http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/Subpart_C.htm

PROHIBITIONS FOR DRIVING AUTOMOBILES AND TRUCKS

No employee under 17 years of age may drive on public roadways as part of his or her job if that employment is subject to the FLSA.

Federal law prohibits driving as an occupation for minors under age 17. Seventeen-year-olds may engage in "incidental and occasional" driving which is interpreted as a maximum of one third of the work time in any work day and no more than 20 percent of the work time in any work week. Delivery jobs and service calls that require driving to customers' homes are prohibited. Driving is the leading cause of occupational injury and death for workers of all ages. According to the National Institute for Occupational Safety and Health (NIOSH), motor vehicle crashes are one of the leading causes of occupational deaths among 16-and 17-year-old workers. Motorized equipment (such as forklifts, loaders, and road-pavers) is another leading cause of work-related injury death for 16- and 17-year-olds according to NIOSH. Minors under the age of 18 are prohibited from operating these machines.

Seventeen-year-olds may drive on public roadways as part of their employment, but **ONLY** if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17-year-old holds a State license valid for the type of driving involved in the job performed;
- The 17-year-old has successfully completed a State approved driver education course and has no record of any moving violation at the time of hire;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight

For more detailed information regarding this hazardous occupation, contact this office or your local Wage and Hour Office, United States Department of Labor.