

CHILD LABOR LAWS

The State of Florida and the Federal Fair Labor Standards Act (FLSA)

Protecting the Health, Education and Welfare of Minors in the Workplace.

This chart summarizes the child labor laws of the State of Florida and the Federal Fair Labor Standards Act (FLSA).

The stricter provisions must be observed and are denoted by bold lettering. *The Federal law in italics.*



Minors 16 & 17

Minors 14 & 15 - Under 14 years old **MAY NOT WORK**

SCHOOL ATTENDANCE

Florida: May **NOT** work during school hours unless they meet a criterion of the **Hour Restrictions listed below.** *FLSA: No limitations.*

Florida & FLSA: May not work during school hours (some exceptions apply).

PERMITS TO WORK HOURS OF WORK, WHEN SCHOOL IS IN SESSION

Florida: May work up to **30 hours per week.** Not before **6:30 a.m.** or later than **11 p.m.** and for no more than **8 hours a day** when school is scheduled the following day. On days when school does not follow, there are no hour restrictions.

Florida: May work up to **15 hours per week.** Not before **7 a.m.** or after **7 p.m.** and for no more than **3 hours a day** on school days, when a school day follows. May work up to **8 hours** on Friday, Saturday, Sunday, and on non-school days, when school days do not follow, until 9 p.m.

FLSA: Daily maximum of **3 hrs.** on school days, *8 hours non-school days; weekly maximum is 18 hours;* not before **7 a.m.** or after **7 p.m.** Note: Application of both state and federal law allows this age group to work up to **8 hours** on Saturday, Sunday and non-school days, when school days do not follow, until **7 p.m.**

HOURS OF WORK, WHEN SCHOOL IS NOT IN SESSION

Florida: **No Limitations**
FLSA: No limitations.
Note: **Hazardous occupations still apply for minors.**

Florida: May work up to **8 hrs. per day** and up to **40 hrs. per week;** may not work before **7 a.m.** or after **9 p.m.**

FLSA: May work up to **8 hrs. per day** and up to **40 hrs. per week.** Work must be performed between **7 a.m.** and **7 p.m.;** from June 1 to Labor Day may work until **9 p.m.**

(summer vacation; winter, spring breaks)

DAYS PER WEEK BREAKS

Florida: **No more than 6 consecutive days in any one week.** *FLSA: No limitations.*

Florida: **Minors may work no more than 4 consecutive hours without a 30 minute uninterrupted break.** *FLSA: No limitations.*

AGRICULTURE

Florida: **Minors participating in farm work, not on their parents or guardian's farm, must comply with the same restrictions as in other work.** *FLSA: No limitations.*

FLSA: No employment permitted during school hours. May work after school in occupations not declared hazardous in agriculture. See Child Labor Bulletin 102. (Exception: 12 and 13 year-olds may be employed with written parental consent or on a farm where the minor's parent is also employed; minors under 12 may be employed with written parental consent on farms where employees are exempt from the Federal minimum wage provisions.)

RESTRICTED OCCUPATIONS The State of Florida has incorporated the 17 Hazardous Occupations (HOs) of the FLSA into the Florida law and Child Labor Rule. For more info on HOs, contact the U.S. Department of Labor, Wage and Hour Division. This poster represents a combination of those laws with an ** annotating Florida law "only."

Minors under the age of 18 may not work in below occupations:

- Working in or around explosives or radioactive substances
- Operating Motor vehicles
- Logging or sawmilling
- Operating power-driven meat processing machines to include meat and vegetable slicers; slaughtering, meat packing, processing or rendering
- Working on any scaffolding, roofs or ladders above 6 feet; roofing
- Wrecking, demolition or excavation
- Mining occupations
- Operating power-driven bakery; metal-forming, punching, and shearing machines; woodworking, paper products or hoisting machines
- Manufacturing brick and tile products
- Operating circular saws, band saws, & guillotine shears

** Working with compressed gases exceeding 40 p.s.i.

** Working in or around toxic substances, corrosives or pesticides

** Firefighting

** Working with electrical apparatus or wiring

** Operating or assisting to operate tractors over 20 PTO horsepower, forklifts, earthmoving equipment, any harvesting, planting, or plowing machinery or any moving machinery

EXEMPTIONS

Hour Restrictions – (from hour restrictions only; hazard restrictions still apply until 18 yrs.)

- Minors who hold waivers from a public school or Child Labor Compliance
- Minors who have been married
- Minors who have either graduated from an accredited high school, or hold a high school equivalency diploma
- Minors who have served in the U.S. Armed Forces
- Minors who are enrolled in high school work programs

PARTIAL WAIVERS The Florida Child Labor law is designed to serve and protect minors and encourage them to remain in school. At times, some minors may feel that the law conflicts with their best interest or their life circumstances; therefore, they have the right to request an exemption from the law. If a minor is attending the K-12 public school, a waiver may be obtained and granted by the local school district. All other minors may request an application by contacting the Department of Business and Professional Regulation. Waiver applications are reviewed and granted on a case by case basis. To qualify, applicants must demonstrate that certain requirements of Florida law need to be waived. Employers must keep a copy of partial waivers of employed minors.

PENALTIES Florida: Employment of minors in violation of Florida Child Labor laws may result in fines up to \$2,500 per offense and/or be guilty of a second degree misdemeanor. **FLSA: Maximum fines up to \$11,000 per minor / per violation.**

WORKERS' COMPENSATION Florida: If an injured minor is employed in violation of any provisions of the Child Labor laws of Florida, an employer may be subject to up to double the compensation otherwise payable under Florida Workers' Compensation law.

POSTING REQUIREMENTS Florida: All employers of minors must post in a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor laws.

For information on Florida laws contact:

Florida Department of Business and Professional Regulation • Child Labor Program

2601 Blair Stone Road • Tallahassee, FL 32399-2212 • Telephone 850.488.3131; Toll-Free 1.800.226.2536 • www.myfloridalicense.com

For information on Federal laws contact:

U.S. Department of Labor, Wage & Hour Division, listed in the telephone directory under U.S. Government; www.dol.gov/elaws/flsa.htm.

Florida Department of Business and Professional Regulation and the United States Department of Labor
"Working Together for Florida's Workforce"

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- deciding who will be admitted, or have access to, any WIA Title I-financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Veronica Owens, Equal Opportunity Officer or
Office for Civil Rights (OCR)
Department of Economic Opportunity
Caldwell Building - MSC 150
107 East Madison Street
Tallahassee, Florida 32399-4129

The Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

If you file your complaint with the Office for Civil Rights (OCR), you must wait either until the OCR issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC). (See the address above.)

If the OCR does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the OCR to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the OCR).

If the OCR gives you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

For more information or to file a complaint, contact

Office for Civil Rights
Department of Economic Opportunity
Caldwell Building – MSC 150
107 East Madison Street
Tallahassee, Florida 32399-4129
Phone: 850-921-3205

Fax: 850-921-3122

E-mail: Civil.Rights@deo.myflorida.com

TTY via the Florida Relay Service (FRS): 711

An equal opportunity employer/program
Auxiliary aids and services are available upon request to individuals with disabilities

**FLORIDA LAW
PROHIBITS
DISCRIMINATION**

BASED ON:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN,
DISABILITY, AGE, PREGNANCY OR MARITAL STATUS.

WHAT IS COVERED UNDER THE LAW:

- EMPLOYMENT
- PUBLIC ACCOMMODATIONS
- RETALIATION AFTER FILING A CLAIM
- STATE EMPLOYEE WHISTLE-BLOWER RETALIATION

*If you feel that you have been discriminated against,
visit our web site or call us!*

**FLORIDA COMMISSION ON
HUMAN RELATIONS**

4075 Esplanade Way, Suite 110
Tallahassee, Florida 32399
<http://FCHR.state.fl.us>

Phone: (850) 488-7082
Voice Messaging 1-800-342-8170

**LA LEY DE LA FLORIDA
PROHIBE
DISCRIMINACIÓN**

BASADA EN:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL,
INCAPACIDAD, EDAD, EMBARAZO, O ESTADO CIVIL.

LO QUE ESTÁ CUBIERTO BAJO LA LEY:

- EMPLEO
- LUGARES DE ACOMODO PÚBLICO
- ACCIÓN VENGATIVA DESPUES
DE PRESENTAR UNA QUEJA
- ACCIÓN VENGATIVA EN CONTRA DE PRESENTAR UNA QUEJA
BAJO LA LEY DE "SOPLAÓN" (WHISTLE-BLOWER)

*¡Si usted siente que ha sido discriminado,
visite nuestra página web o llámenos!*

**LA COMISIÓN DE RELACIONES
HUMANAS DE LA FLORIDA**

4075 Esplanade Way, Suite 110
Tallahassee, Florida 32399
<http://FCHR.state.fl.us>

Teléfono: (850) 488-7082
Correo de Voz: 1-800-342-8170

Notice to Employees **Minimum Wage in Florida**

Effective September 30, 2021, the Florida minimum wage will be \$10.00 per hour, with a minimum wage of at least \$6.98 per hour for tipped employees, in addition to tips, through September 29, 2022.

On November 3, 2020, Florida voters approved a state constitutional amendment to gradually increase the state's minimum wage each year until reaching \$15.00 per hour on September 30, 2026. On September 30, 2021, Florida's minimum wage will increase to \$10.00 per hour. Each year, thereafter, Florida's Minimum Wage will increase by \$1.00 until the Minimum Wage reaches \$15.00 per hour on September 30, 2026.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the state. The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details, see Section 24, Article X of the State Constitution and Section 448.110, Florida Statutes.

AVISO A LOS EMPLEADOS

SALARIO MÍNIMO EN FLORIDA

A partir de 30 de Septiembre de 2021, el salario mínimo de Florida será \$10.00 por hora, con un salario mínimo de al menos \$6.98 por hora para los empleados que reciben propinas, además de las propinas, hasta el 29 de Septiembre de 2022.

El 3 de Noviembre de 2020, los votantes de Florida aprobaron una enmienda constitucional estatal para aumentar gradualmente el salario mínimo del estado cada año hasta alcanzar \$15.00 por hora el 30 de Septiembre de 2026. El 30 de Septiembre, el salario mínimo de Florida aumenta a \$10.00 por hora. Cada año posterior, el salario mínimo de Florida aumentará 1 dólar cada año hasta alcanzar los \$15.00 por hora el 30 de Septiembre de 2026.

El salario mínimo es recalculado anualmente el 30 septiembre, basándose en el Índice de Precios al Consumidor.

Un patrono no puede tomar represalias contra un empleado que quiere ejercer su derecho a recibir el salario mínimo. Los derechos que protegen la Constitución del Estado incluyen el derecho a:

1. Someter una querrela contra un patrono que alegadamente no esta cumpliendo con los requisitos legales de salario mínimo.
2. Reportar a un patrono que alegadamente no esta cumpliendo con los requisitos legales de salario mínimo.
3. Traer a alusión sus derechos como trabajador, conformes a la Sección 24, Artículo X de la Constitución del Estado, diseñada para que el empleado pueda afirmar tales derechos.

Si un empleado no esta recibiendo su salario mínimo legal; debe notificarlo a su patrono y darle 15 días para resolver el problema. Si el problema no es resuelto, el empleado tiene derecho a radicar una acción civil contra su patrono en un tribunal legal, con el fin de recuperar los salarios atrasados, incluyendo daños y perjuicios, y honorarios de abogado.

Un patrono que sea declarado culpable de violar intencionalmente los requisitos de salario mínimo, está sujeto a pagar una multa de \$1,000 por cada infracción, pagadera al estado. El Procurador General o funcionario designado por la Legislatura puede radicar una acción civil para enforzar el salario mínimo.

Para detalles, lea la Sección 24, Artículo X de la Constitución del Estado, y la Sección 448.110 de los Estatutos de Florida.

What is Reemployment Assistance Fraud?



If you think you may have committed RA fraud, let us help you to address the issue.

Don't delay – ask a RA representative for help today.

Did you know?

If you knowingly collect benefits based on false or inaccurate information that you intentionally provided when claiming your benefits, you are committing fraud. Reemployment Assistance fraud is punishable by law and violators could face a number of serious penalties and consequences.

Examples of RA fraud could include:

- An individual returns to work but continues to collect RA benefits.
- An individual works a part-time job but does not report his or her earnings to the state, thereby collecting more benefits than he or she is allowed.
- An individual performs temporary work while collecting RA benefits, but does not report the earnings when filing his or her weekly claim.
- An individual holds back information or gives false information to the state RA agency.

If you commit RA fraud, then you could face a variety of serious penalties. These include:

- Prosecution by government authorities.
- Possible jail or prison sentences.
- Repaying the RA benefits collected, plus penalties and fines.
- Forfeiting future federal income tax refunds.
- Losing eligibility to collect RA benefits until all debts have been repaid.

Anyone who collects Reemployment Assistance benefits is legally responsible for making sure he or she follows the requirements set by state law. Failure to follow the rules can result in serious consequences.

FOR MORE INFORMATION, CONTACT YOUR REEMPLOYMENT ASSISTANCE AGENCY BY CALLING 1-800-342-9909 OR VISIT: www.floridajobs.org/job-seekers-community-services



To Employees:

- **Your Employer** is registered with the Florida Department of Revenue as an employer who is liable under the Florida Reemployment Assistance Law. This means that **You**, as employees, are covered by the Reemployment Assistance Program, formerly known as Unemployment Compensation Program.
- **Reemployment assistance taxes** finance the benefits paid to eligible unemployed workers. **Those taxes are paid by your employer and, by law, cannot be deducted from employee's wages.**
- You may be eligible to receive reemployment assistance benefits if you meet the following requirements:
 1. You must be totally or partially unemployed through no fault of your own.
 2. You must apply for benefits at <https://connect.myflorida.com>.
 3. You must register for work at www.employflorida.com.
 4. You must have a history of sufficient employment and wages.
 5. You must be **Able** to work and **Available** for work.
- You may file a claim for partial unemployment for any week you work less than full time due to lack of work if your wages during that week are less than your weekly benefit amount.
- You must report all earnings while claiming benefits. Failure to do so is a third-degree felony with a maximum penalty of 5 years imprisonment and a \$5,000 fine.
- Discharges related to misconduct connected with work may result in disqualification with a penalty period **AND** remain in effect until a set amount of wages have been earned with new employment.
- Voluntarily quitting a job without good cause attributable to the employer may result in disqualification until a set amount of wages have been earned with new employment.
- If you have any questions regarding reemployment assistance benefits, contact the Department of Economic Opportunity, Reemployment Assistance Program at:

**Department of Economic Opportunity
Division of Workforce Services
Reemployment Assistance Program
1-800-204-2418
www.floridajobs.org**

This notice must be posted in accordance with Section 443.151(1) Florida Statutes, of the Florida Reemployment Assistance Program Law.



Empleados:

- **Su empleador** está registrado en el Departamento de Hacienda de Florida como empleador responsable, según la Ley de Asistencia de Reempleo de Florida. Esto significa que **Ustedes**, como empleados, están cubiertos por el Programa de Asistencia de Reempleo, previamente conocido como Programa de Compensación por Desempleo.
- **Los impuestos de Asistencia de Reempleo** financian los beneficios que se pagan a los trabajadores desempleados que reúnen los requisitos. **Esos impuestos son pagados por su empleador y, según la ley, no se pueden descontar de los salarios de los empleados.**
- Usted puede ser apto para recibir beneficios de asistencia de reempleo si reúne los siguientes requisitos:
 1. Debe estar total o parcialmente desempleado y no debe ser por causa atribuible a Usted.
 2. Debe solicitar los beneficios en **<https://connect.myflorida.com>**.
 3. Deber registrarse para trabajar en **www.employflorida.com**.
 4. Debe tener una historia de empleo y salarios suficientes.
 5. Debe hallarse **Capaz** para trabajar y **Disponible**.
- Usted puede presentar una reclamación por desempleo parcial por aquella semana en la que trabaje menos del horario completo debido a la falta de trabajo, si sus salarios durante esa semana son menores que el monto de su beneficio semanal.
- Usted debe informar todos sus ingresos mientras esté reclamando beneficios. Dejar de informarlos es un delito grave del tercer grado que conlleva una penalidad máxima de 5 años de cárcel y una multa de \$5,000.
- Los despidos relacionados con la conducta laboral indebida podrían conllevar la descalificación con un período de penalidad **Y** la descalificación permanecería en vigencia hasta que gane una cantidad establecida de salarios en el nuevo empleo.
- Abandonar voluntariamente el trabajo sin causa justificada atribuible al empleador podría conllevar la descalificación hasta que gane una cantidad establecida de salarios en el nuevo empleo.
- Si tiene alguna pregunta con respecto a los beneficios de asistencia de reempleo, comuníquese con el Departamento de Oportunidad Económica, Programa de Asistencia de Reempleo en:

Department of Economic Opportunity
Division of Workforce Services
Reemployment Assistance Program
1-800-204-2418
www.floridajobs.org

Este aviso debe publicarse conforme a la Sección 443.151(1) Leyes de Florida, de la Ley del Programa de Asistencia de Reempleo de Florida.