



New Florida Law Relaxes Work Restrictions for Older Teens: 5 Considerations for Employers

Insights

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The Florida Legislature just passed a bill to loosen existing work restrictions for minors who are at least 16 years old. Governor DeSantis signed the bill on March 22, and it will take effect on July 1. You should note that both federal and state laws restrict the time of day and number of hours that minors can work, the type of work that minors can perform, and the equipment they can use. Although the federal Fair Labor Standards Act (FLSA) governs child labor and sets the minimum standards, states can enact more restrictive child labor laws. Florida is one of the states that has enacted more restrictive child labor laws — but the new legislation lightens up on restrictions for older teens, allowing those workers and their employers more flexibility. Here's what employers need to know about HB 49 and the top five questions to consider when hiring teenagers.

The New Rules

- Under the new law, 16- and 17-year-olds will be allowed to work more than 30 hours per week when school is in session if a parent, guardian, or school superintendent fills out a waiver provided by the Department of Business and Professional Regulation and provides it to the employer.
- The new law also allows minors age 16 and up to work more than eight hours a day on holidays and Sundays during the school year.
- Further, teens who are homeschooled or attend virtual school are permitted to work during school hours.
- Finally, the bill establishes 30-minute break requirements every four hours for teens working more than eight hours per day. The law continues to enforce civil fines of up to \$2,500 per offense, and violations may even extend to criminal penalties amounting to a second-degree misdemeanor.

5 Questions to Consider

If you're thinking about hiring younger workers or increasing the hours that your minor employees work, you should ask yourself these five questions:

1. Does your local area have a large number of minors looking for work? In other words, will

widening the net actually increase your applicant pool in a meaningful way? Information about youth employment can be found on [the Bureau of Labor Statistics website](#).

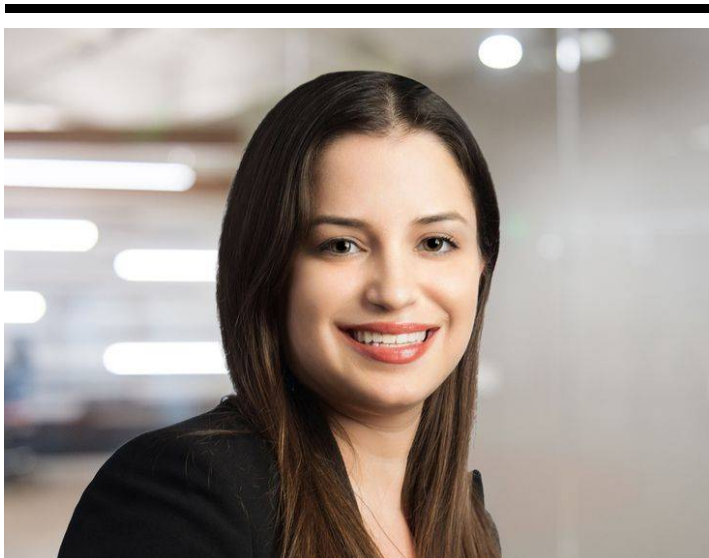
2. Are your managers properly trained to understand and comply with the regulations governing youth employment?
3. Will you require minor employees to be at least a certain age? In many cases, the work restrictions for 16- and 17-year-olds are less significant than rules for younger teenagers – so you will likely have more flexibility when hiring older youth.
4. Are you hiring for jobs that are deemed “hazardous occupations” under federal or state law? If so, you should recognize that minors are excluded from working in certain occupations that are considered hazardous or injurious.
5. Does your timekeeping system allow you to put automated safeguards in place to prevent minors from working during prohibited hours or more hours than allowed? Properly programmed computers can eliminate human errors, especially when managers are distracted by other duties and may simply miss the fact a minor has not clocked out and gone home.

While HB 49 relaxes some work restrictions for minors, Florida employers should continue to ensure compliance with child labor laws by regularly reviewing hiring and employment practices with respect to minors, providing detailed training to managers, and performing internal audits to ensure compliance with both Florida and federal child labor laws.

Conclusion

Fisher Phillips will continue to monitor workplace law developments and provide additional insights as needed. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information and invitations to our webinars. If you have further questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Florida offices](#).

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