Fast Facts: HB 49/SB 1596 Would Reverse Decades of Child Labor Protections in Florida

At the start of committee weeks leading up to the 2024 legislative session, the Legislature introduced House Bill (HB) 49, “Employment and Curfew of Minors.” During the first week of session, the Senate filed its companion bill, SB 1596, “Employment of Minors.” Both bills would roll back child labor laws in numerous ways. (See Table 1.)

If passed, HB 49/SB 1596 would allow employers to schedule 16- and 17-year-old Floridians:
- earlier in the day;
- more than eight hours per day on a school night;¹
- more than six days in a row — whether school is in session or not; and
- without breaks.²

Both bills also propose cutting home- and virtual-school students in this age group out of certain protections. Florida must not erode existing protections that strike the necessary balance between gaining work experience and having education to become economically stable in the long-term.

1. HB 49/SB 1596 would reverse long-held child labor protections for Florida’s youth.

Florida’s Department of Education and Department of Business and Professional Regulation (DBPR)³ both emphasize that the state’s current child labor laws are meant to protect children’s health, workplace welfare, and education. Yet, HB 49/SB 1596 would undo decades of these vital protections for Florida’s children, catalyzing increased exploitation of youth workers⁴ in the Sunshine State.

Florida laws governing children’s work hours have changed numerous times since they were first enacted in 1913. The last time Florida lawmakers dramatically changed the hours children could work was in 1986,⁵ extending the curfew and ban on working more than six days in a row to those 17 and younger. Before this, the law only shielded children aged 15 and younger. Many of the changes proposed by these bills would take Florida back to the 1980s and beyond.

While HB 49 would allow employers to schedule home- and virtual-school students during school hours, SB 1596 would exempt home- and virtual school students from all existing work curfew and hour laws.⁶ This means, under the Senate version, employers could schedule these students for unlimited hours, any time day or night, seven days per week, and without breaks.
There are important differences between the bills’ other provisions. (See Table 1.) First, SB 1596 would expand the current 6:30 a.m. to 11 p.m. working curfew for this age group to 5:30 a.m. to midnight; HB 49 would only move up the start time, proposing a 6:00 a.m. to 11 p.m. curfew. Second, SB 1596 would allow teens to work over the eight-hour limit on Sundays and holidays only; HB 49 removes the limit altogether. Additionally, SB 1596 keeps the current law limiting teens’ workweek during school months to 30 hours, whereas HB 49 eliminates it.

Table 1. HB 49/SB 1596 Would Roll Back Child Labor Protections for 16- and 17-Year-Olds
As of January 10, 2024

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>Current Law</th>
<th>HB 49</th>
<th>SB 1596</th>
</tr>
</thead>
<tbody>
<tr>
<td>Break requirements</td>
<td>30+ minutes every four hours</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Consecutive work days allowed</td>
<td>6</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Max work hours before a school day</td>
<td>8</td>
<td>Unlimited</td>
<td>8, except for Sundays and holidays (unlimited)</td>
</tr>
<tr>
<td>Curfew before a school day</td>
<td>6:30 a.m. to 11 p.m.</td>
<td>6:00 a.m. to 11 p.m.</td>
<td>5:30 a.m. to midnight</td>
</tr>
<tr>
<td>Weekly hours (during school months)</td>
<td>30</td>
<td>Unlimited</td>
<td>30</td>
</tr>
<tr>
<td>Working during school hours</td>
<td>Not allowed</td>
<td>Allowed for home- and virtual school students</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Youth excluded from above protections</td>
<td>1. Domestic workers</td>
<td>1. Domestic workers</td>
<td>1. Domestic workers</td>
</tr>
<tr>
<td></td>
<td>2. High school graduates or diploma-holders</td>
<td>2. High school graduates or diploma-holders</td>
<td>2. High school graduates or diploma-holders</td>
</tr>
<tr>
<td></td>
<td>3. Legislative pages</td>
<td>3. Legislative pages</td>
<td>3. Legislative pages</td>
</tr>
<tr>
<td></td>
<td>4. Youth employed by parents</td>
<td>4. Youth employed by parents</td>
<td>4. Youth employed by parents</td>
</tr>
<tr>
<td></td>
<td>5. Youth granted waivers or exemptions (e.g., hardship, emergency)</td>
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</tr>
</tbody>
</table>

This table compares current law to proposed changes, without the exceptions listed in F.S. 450.081(5). SB 1596 adds a new exception for 16- and 17-year-old home- or virtual-school students, so none of the six scheduling provisions above would apply to them if the legislation was signed into law.

2. Child labor violations in Florida have tripled in recent years.

According to the U.S. Department of Labor (DOL), Florida had 281 child labor violations in 2022, up from 178 in 2021, an increase of 57.9 percent. From 2019 to 2022, child labor violations nearly tripled (from 95 in 2019 to 281 in 2022), an increase of 195.8 percent. In 2023, the DOL publicized cases of employers from Tampa to

www.floridapolicy.org
Jacksonville to Palm Coast scheduling 118 teens past legal work hours, resulting in nearly $100,000 in fines. All were in the food service or amusement and recreation industries.\(^9\)

However, these cases are only those reported and investigated, so the numbers are likely higher. Moreover, Florida does not have its own administrative entity (like a Division of Labor Standards or Department of Labor) to enforce wage and hour laws, unlike most other states.\(^{10}\) Weakening Florida's child labor laws amid lax state oversight would be dangerous for Florida youth — including immigrant youth, who are increasingly exploited by employers.\(^{11}\)

3. **HB 49/SB 1596 would impact up to 94,000 Florida youth.**

An estimated 520,000 teens aged 16 and 17 live in Florida, which is the primary age group targeted by this legislation. Based on teen work trends, FPI estimates that 93,528 of these teens are in the labor force and could be directly impacted by the bills. *In the labor force* is defined as who are actively looking for work or who were laid off and are awaiting recall as unemployed—otherwise, they are not part of the labor force.\(^{12}\)

This includes 80,463 teens who are currently employed (86 percent of 16- and 17-year-olds in Florida’s labor force). This data tells us that most teens this age who are seeking work already have it; eroding Florida’s child labor laws is unnecessary.

4. **HB 49/SB 1596 could endanger the 76 percent of employed 16- and 17-year-olds who also attend school.**

Among the more than 80,000 teens aged 16 and 17 employed in Florida, there are an estimated 61,318 juggling work and school demands (76.2 percent).\(^{13}\) If these bills pass, they will remove nearly every state guardark that helps ensure youth are not too exhausted to perform well in school and other extracurricular activities. HB 49 in particular makes it clear that it treats 16- and 17-year-olds as if they were adults.\(^{14}\)

If employers are no longer required to consider school schedules, this will leave youth who are striving to complete school while holding down a job with an unfair choice: accept the hours their boss schedules them and put themselves at risk academically, or lose their job and the money and experience that comes with it. Youth living in poverty and immigrants without a documented status will be especially unlikely to view quitting as a viable option.

Working excessive hours (over 20 hours per week) in adolescence remains a risk factor for poor grades and dropping out of high school.\(^{15}\) Moreover, school absenteeism in Florida (and nationwide) is at its highest level in 14 years. In Florida for the academic year 2021-22, 70 percent of the state’s 67 counties (47) had chronic absenteeism rates above 20 percent — that is, more than one in five of those counties’ students were absent 21 or more days of the schoolyear. In some counties, the absenteeism rate soars above 40 percent.\(^{16}\) An imbalance between work and school can, in turn, have lifelong economic consequences, as young adults without a high school diploma earn the least and are more likely to face unemployment than other workers.\(^{17}\)
5. Additional wording changes in the legislation should not significantly impact current law.

There are numerous technical changes in both the House and Senate versions—nearly all preserve existing child labor laws; they simply reiterate them, clarify their meaning, or reflect a stylistic change. However, two of these minor wording changes are worth noting. In several sections, the bills propose changing the terms “shall not” to “may not” concerning existing child labor law. There were concerns that this confusing language change would mean certain provisions for those as young as age 15 and under could be interpreted as optional instead of mandatory under HB 49/SB 1596, given the meaning of may and shall in legal terms. However, according to House drafting guidance in effect since 2014, this language change is a stylistic choice and does not allow employers to ignore existing law."

The one seemingly meaningful change among these nominal language changes is to the child labor waiver application process. Under current law, youth or their employers can apply for a waiver from the hour and curfew restrictions. Being home-schooled, in private school, or experiencing a medical or financial hardship are some acceptable reasons for such a request. Currently, public school students seek this waiver via their local school districts while all other minors do so via the DBPR. SB 1596 proposes that youth in public or private school could apply for a waiver via their local school district, presumably streamlining the process.

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1 SB 1596 would allow teens to work over the eight-hour limit on Sundays and holidays only (lines 35-37); HB 49 removes the limit altogether (line 30).
2 Under current law (see F.S. 450.081[4]), no one under age 18 can work more than four hours without at least a 30-minute break. HB 49 seeks to remove this mandate. The federal Fair Labor Standards Act (FLSA) does not mandate break periods, so under HB 49, there would be no policy preventing employers from overworking children. HB 49’s language on lines 47-49 of committee substitute 2 does not guarantee these teens breaks—it simply states that if employers permit their adult workers to have breaks, they must afford their 16- and 17-year old workers the same (lines 47-49).
4 There are already several carveouts to existing child protection laws in Florida. Since Florida’s first significant child labor law in 1913, child domestic workers have been sidelined from work-hour protections entirely. (See: Alexis Tsoukalas and Adriana Sela, “Florida Policy Timeline: Worker Justice,” Florida Policy Institute, 2023, https://www.floridatimeline.org/worker-justice/. ) Later, youth working as pages for the Florida Legislature were also left out of these safeguards (and still are).
5 Laws of Florida, Chapter 6488, Sections 9 and 11, http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1913/LOF1913V1%20ch6421-6489.pdf. Section 9 stated children under 16 cannot work in certain establishments (hazardous places, laundry facilities, and theaters) more than six days a week, 54 hours per week, nine hours per day, or before 5 a.m. or after 8 p.m. Section 11 stated children under 18 cannot work in messenger and telegraph settings before 5 a.m. or 10 p.m. By 1986, Florida passed more stringent hour restrictions for nearly every type of work in the state (except for domestic workers and legislative pages). See: Laws of Florida, section 1, chapter 86-13, 1986, http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1986/1986V1Pt1.pdf. Albeit minor changes, the 1986 provisions remain in place (see F.S. 450.081) but would be impacted by HB 49/SB 1596.
6 Lines 68-71 in SB 1596, as filed; lines 33-38 in HB 49, as amended. There are several exceptions to current laws on minors’ work hours (see F.S. 450.081)—for those who graduated high school; have a waiver from their school district or the Florida Department of Business and Professional Regulation (DBPR); or who are domestic workers, employed by their parents, or legislative pages. SB 1596 would add 16- and 17-year-old home- and virtual school students to this list of youth who are not protected by these labor laws (lines 68-71).
19 minors who are “going directly to/returning from lawful employment” (i.e., the part that pertains to child labor
employers can pass stricter or more lax curfews for teens, but they have to consider the exceptions
stricter teen curfews.

37) already able work during school hours, so only the House’s reference to home
law are being proposed. Similarly,
through DBPR
18 on
17 county
January 11, 2024,
16 Vol. 30, Issue 2, June 2020,
14 61,318 of which also attend school, totaling 76.2 percent.
School enrollment information is only available for those aged 16+.
Both employed and unemployed people make up the
the 520,026 teens aged 16 and 17 living in Florida, 80,463 are employed (80,000 rounded) and 93,528 (94,000 rounded) are in t
working in agriculture. See p. 2, WHD, “Child Labor Bulletin 102,” revised November 2016,
and curfew hours (e.g., children who are domestic workers, legislative pages, or have their school superintendent’s permission to
work more or outside of curfew due to family circumstances). There are no federal limits on work hours or curfews for children
working in agriculture. See p. 2, WHD, “Child Labor Bulletin 102,” revised November 2016,

FPI analysis of U.S. Department of Labor Wage and Hour Division (WHD) Enforcement Database,
https://enforcedata.dol.gov/views/search.php. Violations were categorized by end finding date for child labor violations of the Fair
Labor Standards Act (FLSA).

florida-sees-spike-child-labor-cases/54KWtGAM4FFMNKVB6i2W52KPH4/.
8 PFI totaled the youth impacted and fines levied from U.S. Department of Labor news releases for February 8, February 17, August
21, and September 18, 2023, totaling $97,036 in child labor fines.
10 Alexis Tsoukalas et al, “Florida Policymakers Need to Reassess How the Minimum Wage is Enforced,” Florida Policy Institute, March
11 Tonya Mosley, “The U.S. is Facing a Child Labor Crisis, U.S. State Governments are Loosening Regulations,” NPR, May 4, 2023,
https://www.npr.org/2023/05/04/1173697113/immigrant-child-labor-crisis. Immigrants are also more likely to work as domestic
workers and agricultural workers, who are less protected by labor laws. See F.S. 450.081 and HB 49 for broad exemptions to work and
curfew hours (e.g., children who are domestic workers, legislative pages, or have their school superintendent’s permission to
work more or outside of curfew due to family circumstances). There are no federal limits on work hours or curfews for children
working in agriculture. See p. 2, WHD, “Child Labor Bulletin 102,” revised November 2016,
https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0049c2.docx&DocumentType=Bill&BillNumber=
the 520,026 teens aged 16 and 17 living in Florida, 80,463 are employed (80,000 rounded) and 93,528 (94,000 rounded) are in the
labor force. 80,463 employed represents 15.5 percent (or 16 rounded) of the total number of 16- and 17-year-olds living in Florida.
Both employed and unemployed people make up the labour force. The CPS defines both those who are actively looking for work or
who were laid off and are awaiting recall as unemployed; otherwise, they are not part of the labor force.
enrollment information is only available for those aged 16+. There are 80,463 16- and 17-year-olds employed in Florida, 61,318 of which also attend school, totaling 76.2 percent.
14 Lines 71-73 of HB 49, as amended, read, “Minors 16 and 17 years of age may be employed, permitted, or suffered to work the same
number of hours as a person who is 18 years of age or older.” CS/CS/HB 49 (2024),
https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= _h0049c2.docx&DocumentType=Bill&BillNumber=
0049&Seshion=2024. The bill sponsor also indicated in her remarks on the bill during committee that these teens should not be
considered children. See Jim Turner, “‘They’re Not Children: Florida Bill To Loosen Work Rules For Teens Advances,,” News Service Of
for-teens-advances/.
16 Katherine Kokal, “School Absenteeism Has Hit Record Highs in Florida. Where Is It the Worst? See the List.” Palm Beach Post,
county-in-florida-palm-beach/7214893007/.
on-display/education-pays.htm.
18 SB 1596 mentions penalties for noncompliant employers (lines 80-83) and waivers to exempt teens from these requirements
through DBPR (lines 75-76). The penalties and waiver process already exist (see F.S. 450.095 and 450.141), so no changes to current
law are being proposed. Similarly, lines 37-38 of HB 49, as amended, states those no longer attending school due to reasons outlined
in F.S. 1003.21 do not have to adhere to the ban on working during school hours. Those who are no longer enrolled in school are
already able work during school hours, so only the House’s reference to home- and virtual-school students in this section (lines 35-
37) would alter current law. Finally, HB 49, as filed, included broad preemption language to block local governments from passing
stricter teen curfews. As amended, HB 49’s preemption language appears to simply reiterate what is already in current law—that
employers can pass stricter or more lax curfews for teens, but they have to consider the exceptions outlined in F.S. 877.24, including
minors who are “going directly to/returning from lawful employment” (i.e., the part that pertains to child labor).
19 Lines 16, 21, 25, 28, 35, 39, and 42 of HB 49 (as amended),
https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= _h0049c2.docx&DocumentType=Bill&BillNumber=


23 Lines 61–62 in SB 1596 (as filed), https://www.flsenate.gov/Session/Bill/2024/1596/BillText/Filed/HTML