

Purpose

This factsheet outlines the conditions under which minor age children can work in agriculture. Both federal and state standards are discussed. Generally, the state of Florida has adopted more stringent standards concerning child labor in agriculture than the federal standards. When federal and state standards differ, the agricultural employer is required to abide by the more stringent standards.

Coverage

Florida law permits minor age children to work for their parent(s) or guardian(s) on family owned farms during non-school hours provided that they are not performing hazardous activities. Hazardous activities are discussed below and described in Florida Statutes Chapter 450.061(1).

Generally, Florida law does not permit children aged sixteen and seventeen to work in agriculture during school hours. This is more stringent than the federal minimum age standard which permits minor children sixteen years and older to work in any farm job at any time, including performing hazardous activities. Florida child labor laws do permit some exceptions (see below).

Other than for children working on family owned farms, Florida farm labor law makes no exceptions for children under the age of fourteen. The federal
child labor standards are less restrictive and under specified conditions permit children between the ages of ten and thirteen to work in agriculture.

Minors ages sixteen and seventeen

Minors ages sixteen and may be employed in agricultural jobs if:

• The minor holds a high school diploma or a GED certificate.
• The minor is enrolled in vocational school.
• If the minor receives a valid certificate of exemption (Waiver) issued by the school superintendent, or the Florida Department of Business and Professional Regulation (Child Labor Program).
• If the minor qualifies on a hardship basis such as economic necessity or family emergency (such determination shall be made by the school superintendent, and a waiver of hours shall be issued to the minor and the employer).

Even if the minor qualified under the above exceptions, the following restrictions still hold:

• The minor does not work before 6:30 a.m. or after 11:00 p.m. This requirement applies when school is scheduled the next day (there are no hour restrictions if school is not in session the next day).
• The minor works no more than eight hours per day when school is scheduled the next day (there are no hour restrictions if school is not in session the next day).
• The minor works no more than six consecutive days in any one week.
• The minor works no more than four consecutive hours without a 30-minute uninterrupted break.

Minors ages fourteen and fifteen

Minors ages fourteen and fifteen may work in agricultural jobs during school hours provided that:

• They work no more than fifteen hours per week.
• They work no more than three hours a day when school is scheduled for the following day (during holidays and summer vacations, the daily maximum is eight hours and the weekly maximum is forty hours).
• The minor does not work before 7:00 a.m. or after 7:00 p.m. when school is scheduled the following day (from June 1 to Labor Day, these minors may work until 9:00 p.m.).
• The minor works no more than six consecutive days in any one week.
• The minor works no more than four consecutive hours without a 30-minute uninterrupted break.

Hazardous Occupations

Florida law does not permit children under the age of eighteen to perform hazardous activities, even if those activities were to occur on a family owned farm. Florida's definition of hazardous activities generally follows what the U.S. Secretary of Labor has declared as hazardous agricultural occupations. Briefly, these hazardous occupations include:

• Operating, driving, or riding on a tractor with more than 20-PTO horsepower.
• Operating or assisting to operate a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, pea viner, feed grinder, crop dryer, forage blower, auger conveyor, self-unloading wagon or trailer, power post-hole digger, power post driver, or nonwalking-type rotary tiller.
• Operating or assisting to operate a trencher or earth moving equipment; forklift; potato combine or power-driven circular, band, or chain saw.
• Working in a pen, yard, or stall with a bull, boar, stud horse, sow with suckling pigs, or cow with newborn calf.
• Working around timber with a butt diameter of more than six inches.
• Working from a ladder or scaffold more than 20 feet high.

• Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

• Working inside a fruit, forage, or grain bin or silo under specified conditions.

• Handling or applying agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as Toxicity Category I (Danger or Danger-Poison) or Category II (Warning). These words will appear on the labels.

• Handling or using explosives.

*Note:* Post-harvest operations such as drying and curing are considered processing and have a different list of hazardous occupations, including using a knife.

### Exemptions from Hazardous Occupations in Agriculture

Children under eighteen years of age may perform some hazardous activities if they are:

1. **Student-Learners.** Student learners in a bona fide vocational agricultural program may work in occupations listed in the hazardous occupations order under a written agreement which provides that the student-learner's work is incidental to training, intermittent for short periods of time, and under close supervision of a qualified person; that safety instructions are given by the school and correlated with on-the-job training; and that a schedule of organized and progressive work processes has been prepared. The written agreement must contain the name of the student-learner and be signed by the employer and a school authority, each of whom must keep copies of the agreement.

2. **Participants in a 4-H Federal Extension Serving Training Program.** Minors, ages fourteen and fifteen, who hold certificates of completion of either the tractor operation or machine operation program of the U.S. Office of Education Vocational Agriculture Training Program, may work in the occupations for which they have been trained. Occupations for which these certificates are valid are covered by items of the hazardous occupations order. Farmers employing minors who have completed this program must keep a copy of the certificate of completion on file with the minor's records. Information on this program is available from vocational agriculture teachers.

### Age Certificates

Florida requires proof of age to be kept on record for children under the age of eighteen which may be satisfied by the following items:

• Photocopy of child's birth certificate.

• Photocopy of child's driver's license.

• An age certificate issued by the school board of the district in which the child is employed.

• Photocopy of passport or visa listing child's date of birth.

In addition, employers must maintain the following records if they employ minor children:

• Full legal name of minor.

• The minor's permanent address and the address of current residence if not the same as the permanent address.
• Written evidence of parental/guardian consent for employment.

**Minimum Wage**

Federal law, unless an employer is otherwise exempt from the Minimum Wage Law, minor employees must be paid at least the current federal minimum wage rate. (See EDIS document FE407, *Minimum Wage – Fair Labor Standards Act*.)

**Posting of Notices**

Any person who hires or employs minors shall post, at a conspicuous place on the property or place of employment where it can be easily read, a poster notifying minors of the Florida Child Labor Law. The poster can be obtained from the Florida Department of Business and Professional Regulation, Division of Professions, Farm and Child Labor Program, upon request.

**Workers’ Compensation**

If an injured minor is employed contrary to the Florida Child Labor Law, double the compensation is payable by the employer, not the insurance carrier. This double compensation penalty is inapplicable to minors working for their own parents during hours when public schools are not in session.

**Enforcement**

Penalties for violation of the Florida Child Labor Law can involve fines of up to $2,500 per violation, per day and/or a finding of guilty of a second-degree misdemeanor. For any violations of the federal child labor standards, civil money penalties of up to $11,000 per violation, per employee can be assessed. If a violation causes the death or serious injury of any employee under the age of eighteen, harsher penalties will be imposed including imprisonment if the employer actions were contrary to federal child labor provisions.

### Responsible Agency

**National Office**

U.S. Department of Labor

ESA Wage and Hour Regional Office

61 Forsyth Street, Room 6M12

Atlanta, GA 30303

(404) 562-2092

http://www.doleta.gov/regions/reg03

**State Office**

Department of Business and Professional Regulation

Division of Regulation

1940 North Monroe Street

Tallahassee, FL 32399

(850) 487-1395 or 1(800)226-2536

http://www.myfloridalicense.com/dbpr/index

**District Offices**

400 West Bay Street, Room 956

Post Office Box 017

Jacksonville, FL 32202(904) 359-9292

10300 Sunset Drive, Room 255

Miami, FL 33173-3038

(305) 598-6607 [English]

(305) 598-7471 [Spanish/Creole]

4905 West Laurel Avenue, Suite 300

Tampa, FL 33607-3838

(813) 288-1242