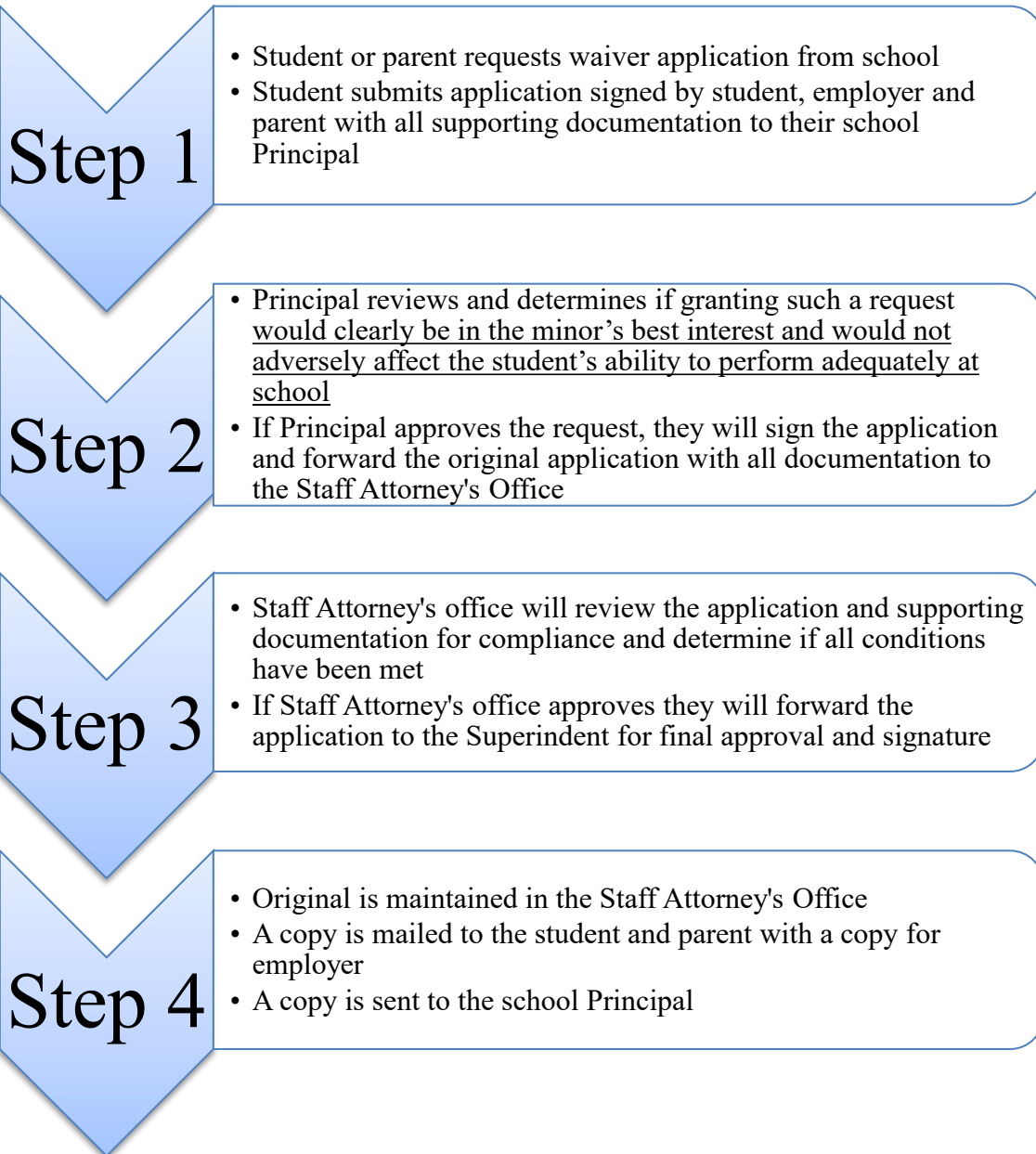




Office of the Staff Attorney

Application for Partial Waiver of the Florida Child Labor Law for students enrolled in Alachua County Public Schools

Application Instructions



NON-PUBLIC SCHOOL STUDENTS (home school; attending Adult Ed or GED classes; private school; expelled students; and, dropouts who have a financial, medical or other hardship):

Please complete the following form and turn into the state.

<http://www.myfloridalicense.com/dbpr/reg/documents/WaiverApplicationDBPRFCL1002.pdf>

Office of the Staff Attorney
**Application for Partial Wavier of the Florida Child Labor Law
for students enrolled in Alachua County Public Schools**

Application Instructions (Continued)

Chapter 450, Part 1, of the Florida Statutes allows for the partial waiver of certain aspects of the Child Labor Law.

Waivers may be granted based on the following conditions:

- Court Order (A copy of the court order that states the minor must work full time and/or pay restitution and proof of age, or a letter on letterhead from the probation officer stating the minor must work full time and proof of age.)
- Financial Hardship (A **NOTARIZED** statement from an adult family member or adult friend **EXPLAINING** the financial hardship, OR proof of current receipt of public assistance.)
- Medical Hardship (A letter on letterhead from a doctor, pastor, school counselor, etc., **EXPLAINING** the circumstances or situation, OR A **NOTARIZED** statement from an adult **EXPLAINING** the circumstances or situation.)
- School Status (A letter on letterhead from the school stating school status: dual enrollment, OJT, etc.)
- Other Hardship (A letter on letterhead from a doctor, pastor, school counselor, etc., **EXPLAINING** the circumstances or situation, OR a **NOTARIZED** statement from an adult explaining the circumstances or situation.)

Supporting Documentation:

- Driver's License OR ID Card (Color Photocopy)
- Birth Certificate if you don't have a License or ID Card yet (Color Photocopy)
- Social Security Card (Color Photocopy)
- Documentation for 1 of the 5 conditions (see above)
- Written explanation detailing the education plan that is in place to ensure that the granting of a waiver will not adversely affect the students' educational performance.

In order to comply with the regulations regarding the issuance of such a waiver, the following procedure should be followed.

- A. After receiving a completed wavier application, (the application must be signed by the student, parent and employer) the principal is to determine that granting such a request would clearly be in the minor's best interest and would not adversely affect the student's ability to perform adequately at school. If the principal signs the application for waiver it then is forwarded with all supporting documentation to:

Office of the Staff Attorney - Alachua County Public Schools
620 E. University Avenue, Gainesville, FL 32605

Phone: (352) 955-7461

- B. Upon receipt of the waiver request and documentation, the Office of the Staff Attorney will review the application and supporting documentation for compliance and determine if all conditions have been met. Providing all parties are complying, and the wavier is clearly in the best interest of the minor the Superintendent will grant the waiver. The Staff Attorney's Office will forward a copy to all parties involved. The original will remain in the custody of the Office of the Staff Attorney (Office of Record). Waivers are valid for one year from the date of granting and must be renewed until the minor turns 18 years of age.



Office of the Staff Attorney

**Application for Partial Wavier of the Florida Child Labor Law
for students enrolled in Alachua County Public Schools**

For Superintendent or Designee Issuance Only

Pursuant to Chapter 450, Part 1, of Florida Statutes, the minor named below, due to their life's extenuating circumstances, is requesting a partial waiver to the Florida Child Labor Law.

(Type or print in ink)

Name of minor: _____

Date of minor's birth (Proof required) _____

Address of minor _____

School minor attends _____

Name of employer _____

Address of employer _____

Expiration date of waiver _____

Employer contact and phone number _____

Nature of work minor is to be performing _____

Type of waiver requested:

☐ Court Order ☐ Financial Hardship ☐ Medical Hardship ☐ School status ☐ Other Hardship

A partial waiver is requested that allows: *(check where appropriate)*

☐ Work up to 18 hours a week (minors 14-15)

☐ Work up to _____ hours without a break

☐ Work in a hazardous occupation (minors 16-17) - (Requires enrollment in an approved training program and additional application document.)

☐ Work more than 30 hours a week (minors 16-17)

☐ Work during regular school hours (minors 16-17)

☐ Work past 11:00 p.m. on day preceding a school day (minors 16-17)

☐ Other: Be Specific _____

Required Signatures:

Student _____ Date: _____

Employer/Title _____ Date: _____

Parent/Guardian _____ Date: _____

School Principal _____ Date: _____

By my signature, I hereby grant this partial wavier as stated above to the Florida Child Labor Law.

Shane Andrew, Superintendent, Alachua County Public Schools

Date



Office of the Staff Attorney

**Application for Partial Wavier of the Florida Child Labor Law in a Hazardous Occupation
for students enrolled in Alachua County Public Schools**

Last Name: _____ First Name: _____

Social Security #: _____ Date of Birth: _____

District: Alachua School: _____ Training Program: _____

Check the Hazardous Occupations for which you are seeking an exemption from the Child Labor Law:

- ☐ On any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 ft.
- ☐ In the operation of power-driven woodworking machines.
- ☐ In the operation of power-driven metal-forming, punching or shearing machines.
- ☐ Slaughtering, meat-packing, processing or rendering, except as provided in 29 C.F.R. part 570.61(c).
- ☐ In the operation of power-driven paper products and printing machines.
- ☐ Excavation operations.
- ☐ Working on electric apparatus or wiring.
- ☐ Operating or assisting to operate; including starting, stopping, connecting or disconnecting, feeding or any other activity involving physical contact associated with operating a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, forklift or any harvesting, planting, or plowing machinery or any moving machinery.

By our signatures below, we attest and agree to the following:

1. The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.
2. Such student learner is employed under a written agreement which provides:
 - a. That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.
 - b. That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
 - c. That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
 - d. That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.
3. Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed there under. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this document, even though he or she is not yet 18 years of age.

Name (Type or Print)

Signature

Student: _____

Parent/Guardian: _____

Employer: _____

School Coordinator: _____

Principal: _____

Pursuant to Chapter 450, Part 1 of the Florida State Statutes, the above-named minor student learner is hereby authorized to be employed in the hazardous occupations specified above. The minor student learner must remain in compliance with all other provisions of the Child Labor Law.

APPROVED: _____ Date: _____

Shane Andrew, Superintendent, Alachua County Public Schools

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

Florida & FLSA: Not required, except the FLSA requires the employer to maintain date of birth information for all employees under 19 years old.

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 (H0s) 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 Child Labor Compliance. 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"

Minors 14 and 15 may not work in these occupations:

- Operating any power-driven machinery other than office machines, including all power mowers and cutters
- Maintaining or repairing an establishment, machines, or equipment
- Working in freezers or meat coolers
- Operating, setting up, adjusting, or cleaning power-driven meat or vegetable slicers, grinders, food choppers, and cutters, and bakery-type mixers
- Operating motor vehicles
- Manufacturing, mining, or processing occupations where goods are manufactured, mined, or processed
- Cooking (some exceptions apply) & baking
- Working in occupations in Transportation, Warehouse & Storage, Communications, and Construction (except clerical); boiler or engine rooms
- Loading and unloading trucks
- Working in public messenger services
- ** Handling certain dangerous animals
- ** Conducting door-to-door sales of products as employment (some exceptions)
- ** Spray painting

Age Restrictions — (from age requirements; hazard restrictions still apply)

- Minors who work for their parents in occupations not declared hazardous
- Pages in the Florida legislature
- Newspaper delivery (10 years old)
- Minors in the entertainment industry registered with Child Labor Compliance

A court may authorize an exemption from age and hour restrictions.